

City Council Regular Meeting Session Transcript – 09/19/2019

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[10:14:20 AM]

>> Mayor Adler: All right. Before we begin our meeting, it's our custom here at city hall to start our meetings with a peaceful moment by inviting different people from different walks of life and different faiths to share prayers or just moments of reflection. This is an important way that we celebrate the diversity that exists in our city. We begin our meeting with everyone focused and aligned for the greater good. So today to help us with our opening moment, we have reverend Robert waddle of the Simpson united methodist church. Thank you for joining us, sir.

>> Morning. I'd like to thank the mayor and the city council for this opportunity. I'll be reading scripture, I Timothy 1 through 2 and I will end with a prayer. I urge then first of all that petition, prayer,

[10:15:22 AM]

intercession and Thanksgiving be made for all people. For kings and all those in authority that we may live peacefully and quiet lives in godliness and holiness. This is good and pleasing to god, our savior. Now, let us pray. Heavenly father, we thank you for this day, an opportunity for the leaders of this city to make decisions that affect the people of this city. We pray that their hearts and their minds are open to hear all the petitions of people. That we make decisions that will lead to peace and unity and love in Austin. We give all glory to you now and forever, father, for the things that you are about to do today, in the name of Jesus we pray, amen.

>> Mayor Adler: Thank you, sir. Before we begin, councilmember pool, did you have something you wanted to do?

[10:16:22 AM]

>> Pool: Thanks, mayor, I did. Y'all may have heard on the radio this morning that there was a pretty major fire in south Austin today, so this morning I just want to thank all of our first responders for their efforts. They got a call at 3:40 this morning that about building under construction in south Austin was engulfed in flames. Over 100 firefighters, about 21 trucks responded and their efforts to evacuate the nearby apartments saved lives. And then also a thank you to Austin energy crews who have been on-site this morning to make sure that the area that is engulfed in flames or was, was also safe for the firefighters. And last, a special thanks to the members of the Austin fire department's swift water rescue boat team. They were deployed this morning to the Texas coast to assist with tropical storm Imelda. So thank you to all.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: Thank you, councilmember pool, for pointing that out. I want to add my thanks to

[10:17:23 AM]

that. And let everyone know who may not be familiar with the area that there was a fire on the construction site. So fortunately it was not a fire on an apartment where people were living, but it was still close by to apartments. So thank you for bringing that up, councilmember pool.

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: I've been on this council now going on five years and all my have been done for the interest -- best interest of this city. And when I have a group of young people with red masks coming to my house, you know, cursing and cursing my wife, intimidating me and scaring my little dog. It's disgusting. I've been informed that I could file felony charges against these young people.

[10:18:24 AM]

But I'm not. I'm not going to be here to try to ruin their career. But I just want to let them know that whatever they do because of the vote that I'm going to take on Riverside, I'm telling you that I'm doing it for the people of Austin, not for them. You know, they come down here and they come to college here and they stick around and they think what's better for the citizens of Austin. And I find that -- I embrace these young people because I love the young people that come to Austin with the new ideas. But when

they come down there and threaten me and my wife and scare my dog, you know, and set out there for an hour and a half with a loud bull horn, intimidating me and my neighbors, I find that very offensive.

[10:19:24 AM]

I have the ability to defend myself, but I'm not that way way. I believe that we could sit down and work things out and I've sat down there with people on both sides. I don't care if you're a Republican, a libertarian, a Democrat, an artist, right wing nut or whatever you call those people. I sit down there and I'm willing to listen to them. My office has always been open to everyone. When people go down there and address me, then I have no respect for them. You have no respect for east Austin. You come down here and say you're representing the hood, but at the same time you are running people out

[10:20:25 AM]

of my neighborhood. They don't feel comfortable and safe anymore when you're out there beating up on the older sisters because they -- seniors because they attend an event that you don't like, it's gross. It is not right, that is not Austin. You don't go out and beat up on seniors because you don't like the organization that's putting a sponsor on there. And I'm just telling you, you know, I'm not addressing y'all guys, you young folks. You can come by and demonstrate all you want to but do not harass my neighbors, please.

>> Mayor Adler: Councilmember Renteria, thank you. That was very unfortunate. All right. That gets us now to gaveling in this meeting. Today is September 19th, 2019.

[10:21:25 AM]

It is 10:20. We're in the city council chambers here at 301 west second street in Austin. We have a quorum. We have changes and corrections that I'll read into the record. Austin housing finance corporation item 3, the contractor is bunch construction. That same change to item 4. Item number 7 on the Austin housing finance corporation agenda is withdrawn. Item number 18 is withdrawn and replaced with item 139. Item number 22 is withdrawn and then placed with item 140. Items 24 and 25 postponed to October 17th. Item number 39 is related to item number 121.

[10:22:27 AM]

Item number 66 is withdrawn and replaced with item number 144. Item number 67 is in both district 1 and district 4. Items 69 and 71 are in district 2, not 3. Item 84, the sponsors should include Ann kitchen and not the mayor pro tem. Item number 87 is replaced with item number 150. Item 88, sponsors should add councilmember Ellis. Item 91 is withdrawn and replaced with item 149. Item 99 is withdrawn. Item 100 is postponed to correct a posting issue to October third, 2019. Item 105 is postponed to November 14th of 2019. Item 117 is withdrawn and replaced with item 152. There have been valid petitions filed in

[10:23:28 AM]

opposition to the zoning requests numbers 130 and 134. Item 146 councilmember alter should be shown as a sponsor. And the correct size of the tract for item 147 is 818 acres. We have some items, colleagues, that have been pulled off the consent agenda. I'm showing item 19 pulled by tovo. 20 pulled by tovo. 36 pulled by tovo. Also I'm showing item number 29 being pulled by speakers. I said 36 pulled by tovo. Item number 39 is being pulled to discuss with item number 121. I think that item number 37,

[10:24:31 AM]

that's been pulled by speakers. 39 was pulled here with 121. Item 41 pulled by Casar. Item number 48 pulled by tovo. Item 55, councilmember Ellis, did you pull 55? 55 pulled by Ellis. Item 64 pulled by councilmember alter. Items 77, 78 and 79 are going to be taken up after executive session so they are pulled this morning. Item number 84 I think may be pulled by speakers. Item 147 -- I'm going to

[10:25:34 AM]

check 84 and 146 to see if they've been pulled by speakers. I think they have. Item 147 has been pulled to conduct a public hearing. And item number 149 has been pulled by tovo. Let me check the list. 84 has been pulled by speakers. And 146 has been pulled by speakers. Yes, Mr. Renteria.

>> Renteria: I want to pull 13, and just because I'm still reading the response to some of my questions that I had.

>> Mayor Adler: Okay.

[10:26:35 AM]

Let's pull 13. So what I'm showing right now is the pulled items are 13, 19, 20, 29, 36, 37, 39, 41, 48, 55, 64, 77, 78, 79, 84, 146.

>> 146, 147 and 149.

>> Harper-madison: Mayor Adler, I'd also like to confirm along with the speakers, I'd like to pull item number 29. In addition to that I'd like to request that we take item number 147 to executive session.

>> Mayor Adler: Okay. We'll discuss 147 in executive session and 29 also showing you as pulling

[10:27:36 AM]

that. Okay. We have some people here that want to speak on the consent agenda. Yes, councilmember alter.

>> Alter: I just wanted to confirm that the vote on 142 is to postpone it, not to approve it.

>> Mayor Adler: On which number?

>> Alter: 142.

>> Mayor Adler: To postpone to October 3rd. Staff is postponing it to October 3rd.

>> Alter: Thank you.

>> Mayor Adler: I'm sorry, staff is postponing 142 until when?

>> Alter: The sheet says October 3rd, that's what I have on here.

>> Mayor Adler: Confirming that staff is pulling that item?

>> Mayor, that was -- this is Janet Clark.

[10:28:36 AM]

That was the item councilmember alter requested to have postponed on the message board.

>> Mayor Adler: So let's pull that item. Which number is it?

>> 142.

>> Harper-madison: And if I may, mayor Adler, I apologize, I asked for 147 to be discussed in executive session. I meant 142. My apologies.

>> Mayor Adler: You want 142 discussed in executive session. Okay. I think we also want to discuss 147 in executive session as well. 142, 147. Okay. So -- yes, councilmember tovo.

>> Tovo: I just -- I'm having a little trouble keeping up with the things that have been reconfigured for the addendum and I want to be sure I have the numbers right. So as I understand it, I don't need to pull 91

[10:29:37 AM]

because it's being replaced by 149.

>> Mayor Adler: Correct.

>> Tovo: The -- councilmember Casar, you brought forward an ifc related to the settlement home, which I think is 1 -- can you remind me what number it is and is that being replaced?

>> Mayor

>> Casar: That's right, we had the posting language wrong.

>> Mayor Adler: Which number?

>> Casar: For the normal ones we moved on to the addendum.

>> Tovo: It was 87 and now it's 132.

>> Mayor Adler: Or 150?

>> Casar: Item 87 is the current agenda one which we aren't moving because the posting language was wrong. Instead we're moving on addendum --

>> Tovo: It is 150. Thanks for that clarification.

>> Mayor Adler: Okay.

>> Harper-madison: I'd also like to add a point of clarification. I was right in my first

[10:30:39 AM]

request for 147, not 142. Apologies.

>> Mayor Adler: 147 for executive session, 142 does not need to go to executive session. Okay. We have some people here to speak on the consent agenda. I'm going to call them now. Is Gus Peña here?

>> I am.

>> Mayor Adler: Why don't you come on down.

>> Good morning, Gus Peña, proud United States marine Corps veteran, three tours in country. My wife told me to apologize to you all. I ain't going to do it.

[10:31:40 AM]

Why? Because I feel my passion for the people, for the people who are homeless, for the people who don't have hope anymore. I'd like to be respectful, but I want also respect from the dais also. I help all of you all, a lot of you all get elected. You, Steve, our votes got you voted in as mayor. Even we were homeless at that time. Anyway, I'm going to try to act proficient, efficient and respectful. Item number 18 having to do with the expanded mobile crisis outreach team is a very good expenditure. Dave Evans is the executive director of -- it's integral care now. So anything more we can do to help out Dave Evans at integral care, it's been an outstanding success. Item number 23 is having to do with the sobriety center and that has been even at

[10:32:40 AM]

Travis county also. Thank you very much for the outreach team, also for chief Ernie Rodriguez, ems chief, and jasper brown, chief of staff for ems, thank you all very much for that. I want to say one thing, I was at 8th and lavaca at my bank and I saw a lady, she was just getting angry. And so we had the university police had a heck of a time to calm her down. So I called the host since sergeant hunt, outstanding, calmed her down, took her to the facilities and she even waved at us. It is working, it is working very well. The health department at dove springs, should have happened a long time ago, they need a clinic, a full-blown clinic for the people out there. Thank you very much for the people at dove springs involved in this. Item number 44, I think I already mentioned sobriety

[10:33:42 AM]

center. Item number 45 is generaller will, she is the executive director and founder -- Jennifer -- you can't find a better lady than that except my wife and my mother, rest in peace. She is a good strong supporter people coming from other countries. Whatever needs they have, Jennifer long, I love you, sister. You helped me out also. Thank you for the help. Item number 58 is CPS, center for child protection. We need a lot of help because a lot of kids are being abused even by parents. When I shouted yesterday, I don't do it at home because my wife let's me know it's inappropriate. I shouldn't have done it.

[Buzzer sounding] Thank you very much for the hard work they do and keep up the good work.

>> Mayor Adler: Thank you. Is Sabrina Martz here? Sabrina Martz?

[10:34:49 AM]

What about more say -- Jorge salgas? I didn't see him. What about Tommy Eden? Is Tommy Eden here? Come on down.

>> Thank you, mayor Adler and councilmembers. My name is Tommy Eden. I appreciate it that you are approving item number 83 regarding safe crossing of railroads. This is an issue that has been a real problem for bicyclists, for people using wheelchairs and for anyone using vehicles with narrow tires to be able to cross the railroad tracks at a safe angle without having to go into the lanes that the cars are using.

[10:35:52 AM]

And I really appreciate that you are making an effort to see to it that we are improving safety in our city. Overall, I think y'all are doing a great job and I really appreciate it. I look forward to seeing this come back in December. I'll be here again on December 5th when city staff gives their presentation. Thank you again.

>> Mayor Adler: Thank you. Colleagues, those are all the speakers speaking on the consent agenda. There's late backup on the boards and commissions appointment. Noting, after talking with councilmembers Ellis and pool and alter, and I really appreciate the conversations with them and the folks that have wanted to be on the water committee. I'm recommending that councilmember Ellis be chair, councilmember pool

[10:36:52 AM]

vice chair and to include councilmembers alter and kitchen and I really appreciate the conversations that we had. Thank you. One last time on the consent agenda, the pulled items I'm showing are 13, 19, 20, 29, 36, 37, 39, 41, 48, 55, 64, 77, 78, and 79, 84, 142, 146, 147 and 149. Any further discussion? I'm sorry.

>> [Inaudible]

>> Mayor Adler: 142 was pulled.

>> By who?

>> Mayor Adler: I pulled it.

>> How about 146?

>> Mayor Adler: 146 was pulled by speakers.

>> Mayor?

>> Mayor Adler: Yes.

>> If I could speak quickly about 55, I had some questions about it in Q and a, and I mostly wanted to postpone it for the next meeting on October 3rd

[10:37:52 AM]

simply because I had a little bit of conflicting information about the Amanda system with development services and was wanting to know not only all of the contracts we were approving in this \$56 million, but specifically how we were approaching that particular software. So I would like to postpone it if there's no objection to it. We cannot have to revisit it later, but I just didn't have the information I needed to feel comfortable to move forward with authorizing item 55.

>> Mayor Adler: Does staff have any objection to item 55 being pulled, postponing 55 until October 3rd?

>> Steven he Elkins. A lot of our contracts are

[10:38:54 AM]

time bound, some contracts are due to renew by the beginning of the fiscal year, so delaying this contract until after the start we may be delaying some of our contracts that renew October 1. This is more of a -- we can potentially -- I don't know the time line of the Amanda contract specifically, but we can hold off on taking action on the Amanda contract if that's what you are interested in, and then continue forward with the cooperative contract as a whole.

>> Ellis: If I'm the only one that has questions, I'm fine with abstaining. I don't want to hold up all of our I.T. Contracts for the entire city. I know I was given a chart by department what contracts were being approved, but there was no list of the individual contracts and it's \$56 million. So I just wanted more information before I'm comfortable approving it. But if I'm the only one, I'll simply abstain and we can continue a conversation about development services in particular. So I'm fine to stand alone

[10:39:55 AM]

on it.

>> Mayor Adler: Okay. Let's go ahead and we will pull that off the pulled list. So that item number 55 remains on the consent agenda and the record should reflect that councilmember Ellis is abstaining on that item. Anything else -- is there a motion to approve the consent agenda? Councilmember alter makes the motion. Is there a second to that? Mayor pro tem seconds that. Any discussion on the consent agenda? Yes, councilmember alter.

>> Alter: Thank you. I wanted to speak briefly to the gun violence task force, and first of all thank my colleagues who moved very quickly to nominate individuals to serve on the task force on gun violence. A few spots do remain open so I want to underage the public to please a-- encourage the public to please apply on the city's website. If you weren't nominated and applied, please know there will be ways for you to engage with the council and with the task force members

[10:40:56 AM]

on this important topic. Looking quickly at the appointees from my colleagues, I'm delighted to see that of our city of nominations it appears we have austinites across the city with a broad set of experiences, personal and professional, who will be serving. I really look forward to their work on this issue and I look forward to the council advancing strategies to address gun violence at the local level as we continue to urge the state and federal government to take action as well. And then I also just wanted to say that I'm pleased that we can move forward with the Austin water oversight committee. I think we're going to do some very important work and I look forward to working with my colleagues on that oversight committee that resulted from a resolution I had earlier in spring. Thank you.

>> Mayor Adler: Thank you for your leadership in moving that forward. Anything else? Yes. Councilmember pool.

>> Pool: Item 75 I want to leave it on consent but just

[10:41:57 AM]

offer some friendly direction to staff to consider incorporating the use of low carbon concrete in the city infrastructure projects as part of the city's efforts to achieve its climate protection goals. Just as a little bit of context and information for everybody listening in, both the environmental commission and the joint sustainability committee passed recommendations supporting local carbon concrete products for all future city infrastructure projects. And it's proven technology. It can sequester carbon, at the same time improving the quality of concrete while adding no additional cost, which is pretty terrific. Thank you.

>> Mayor Adler: Thank you. Councilmember tovo.

>> Tovo: I had a couple comments I wanted to make. First of all, I wanted to indicate that I filed an affidavit with the city clerk upon the recommendation of our attorney for items 87, which I know has gone away, and 150 because I serve on the advisory board of the settlement home, and that is an issue concerning them. I don't have a substantial

[10:42:57 AM]

financial interest, I'm just a volunteer member of the advisory board and they often meet on council days, so I don't get to participate as much as I like. I am recusing myself on that item. I wanted to say how happy I am to see the agreement to let the host team be co-located with the sobering center. I think that's very important and that's been really in the envisioning from the very -- from some of those earliest work group meetings with the sobering center to see if we could have those entities co-located because of the synergies that the -- the synergistic relationship working in the same build. Item 21 is a family business loan and we've had conversations, not recently, about that loan program. We've used it at least once for a local franchise, a local -- a local location for a franchise. And so I'm just really

[10:43:58 AM]

delighted to see that this is, in my mind, going toward exactly the kind of business we want to support through our family -- through our family business loan program, a locally owned long-time establishment. 60, I think it's -- I want to highlight this because we often when we're talking about affordable housing and the units and how we monitor them, I just want to highlight this contract helps us to continue to do that work better and better to monitor those commitments to keep units affordable and make sure we're continuing to have a level of vigilance as a city in making sure those units remain affordable when we've had a commitment from a developer to do so. And I believe that is it. So thank you.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Quick statements. Item 47 I'm excited to see the work we do with school districts go beyond aid and have del valle included in the list. That's exciting development since district 6 is

[10:45:00 AM]

primarily round~rock and Leander. Item 83, councilmember kitchen, thank you for helping us work through the long on the railroad crossings, the work of our advisory questions are memorialized in the whereas clauses and the staff can do the work to appropriately prioritize the railroad crossing work. On item 86, the fee waiver for the AIDS walk. My office contracts the remained but there's 254 remaining. Mayor, mayor pro tem, councilmember Ellis, thank you for participating, but if anyone else would like to close the gap on that, it's 254.

>> Tovo: I'd like to close the gap on that and I'm glad you brought that up because I intended also to provide \$200 for a fee waiver for item 93.

>> Mayor Adler: Okay. Yes, councilmember alter.

>> Alter: Are there any other gaps on the items for the fee waiver for this council meeting? Okay. I was going to offer to do

[10:46:01 AM]

the same for that one and I just didn't know if there were other ones that needed help.

>> Mayor Adler: If there are, we'll see if we can bring that back.

>> Renteria: Mayor, and I also want to contribute from my fund \$200.

>> Mayor Adler: At this point I don't know that we have a gap yet.

>> Tovo: I can split it with you. Councilmember Renteria, if you want, we'll split that 250 between our budgets.

>> Mayor Adler: Done. We have a motion and second. Those in favor -- yes, councilmember Casar.

>> Casar: I appreciate my colleagues' support for the settlement home rezoning item. Expanding is a great thing and working with the neighborhood closely on how to rezone for that expansion is much appreciated. Thanks to all of you.

>> Mayor Adler: Okay.

>> Mayor?

>> Mayor Adler: Hang on one second.

>> Just so the record is clear, on item 24, about the Rainey street, you are going to postpone it until October 17 but we need to do

[10:47:02 AM]

withdraw it and bring it back on the 17th because the posting language is very narrow, so we'll fix that. We'll bring it back on the 17th.

>> Mayor Adler: 24 is withdrawn. Brought back on October 17th.

>> Tovo: If you would work with my office on that since that originated from the resolution that I had brought because I want to shape -- I haven't decided how he would like to come back with that. If you need for me to, I can do another ifc to bring it back. Since it's being withdrawn.

>> We'll simply withdraw it and not bring it back.

>> Tovo: I will bring it back as an ifc. Thanks.

>> Mayor Adler: There were several different ideas. What I would like to make sure is the language is broad enough to encompass all the different ideas. I would still like you to stay involved with that, but

certainly visit with the originating office on that as well so that we're not faced with a situation where we have a posting language that doesn't encompass the suggestions that you heard.

[10:48:03 AM]

I think it needs to be broad enough to be inclusive enough to let everybody be able to do the work. Is that okay? Councilmember tovo?

>> Tovo: Yes.

>> Mayor Adler: Okay.

>> Tovo: As I understand it, law is not advising to postpone it under any circumstances today. Rather withdraw it, right?

>> Mayor Adler: Because it has to be --

>> Tovo: I understand. I just want to be very clear to the public who is watching this item there is an intent to bring it back. Because of the low logistical complications.

>> Mayor Adler: And it will come back broadly enough to encompass the suggestions people are making. Please stay involved with that. Further stuff on the agenda? Yes, councilmember kitchen.

>> Kitchen: Real quick, I wanted to highlight item 89. This is the one I'm bringing forward to rename and to honor Tom Donovan. With Tom Donovan central

[10:49:07 AM]

Williamson creek nature trail. He's been invaluable in protecting, restoring and spreading respect and love for our natural environment and I'm really proud today to be able to bring this forward to rename a trail he has poured his passion into. And I want to let everyone know that we will be recognizing him this afternoon with a proclamation.

>> Mayor Adler: Okay, great. It's been moved and seconded. Those in favor of the consent agenda, please raise your hand. Those opposed? It's unanimous on the dais with the notations that have been made.

>> Ellis: I would like to be shown as abstaining on item 55.

>> Mayor Adler: You got that. All right. Let's take a look at the pulled agenda. Councilmember Renteria, you pulled item number 13.

>> Renteria: Yes, I pulled 13 because I wanted to find

[10:50:07 AM]

out, you know, the person that came in second, it was less than one percent, and they had a 20% of mwbe, the one that came in second, and the first one had only 15.8. And I just wanted to know, it seemed like --

>> Mayor Adler, I can't hear my colleague. Can you encourage the audience to exit quietly?

>> Renteria: I'll wait until they --

>> Mayor Adler: I think the room has quieted down for you, Mr. Renteria.

>> Renteria: Okay. And I just wanted to -- it seemed like they dropped to -- the top team until the interview and I just wanted to know -- I just wanted to find out why -- why the interview dropped them into second place and why -- and that's what I want to know. I had no contact with any

[10:51:10 AM]

these -- these groups that got the contract, but it has to do with fiesta gardens and I just wanted some clarification on that.

>> Good morning good morning, council, city manager. Your specific question, councilmember Renteria, you are asking about the interview process. In our solicitation we note when the scores are within three points of the top ranked firms we will do interviews. The interviews are there to facilitate information gathering to allow the evaluation panel that's developed from an expertise subject matter based to evaluate and score the evaluations. In this case, the panel felt like there was additional questions that they wanted the firms to respond to. As I provided in my response to you, there were two components of the evaluation process. The first part was a presentation, and we asked the firms to come in and present on four specific

[10:52:10 AM]

subjects. The second part was a Q and a. We provided them five questions and asked them to respond to those questions in public with the panel. The basis of those is use to -- just to derive the most qualified firm. The questions were derived from review of submittals and based on getting more information to help the panel determine who was the most qualified firm. The reason I want to emphasize most qualified, the statute is clear, we have to base our recommendation based on the most qualified on demonstrated qualifications experience. The interview process is there to help us determine that when we review the submittals, and in this case it was 1.7 between the top ranked and second firm. As a result of the interview process. The top firm and second firm switched. The overall recommendation is based on the submittals, the interview process

[10:53:11 AM]

conducted to form a decision by the panel on the most qualified firm.

>> Renteria: So you feel -- do you feel like either firm could do the job?

>> I rely on expert panel to make that recommendation. Obviously as you look at the backup in our evaluation matrix, it's really close. What that tells me is that -- and I see this quite often in on lot of our solicitations, we're blessed in Austin we have a really good field of qualified firms. Staff recommendation is based on most qualified and we use our criteria to evaluate that and the result is the --

>> Renteria: Thank you. Mayor, you know, I feel like, you know, we should -- you know, with the past history of Austin and minorities not being able to get the contracts and we have a proposal here from

[10:54:16 AM]

15.8 to giving 20% of this contract would go to under served contractors, I feel -- I'm going to propose that we recommend that we adopt -- we support number 2. Like I said, have not had contact with neither of them, but I think we should offer up opportunities to as many WBE as we can, to offer that opportunity for them. That's my recommendation. But I'm pretty sure that the staff did a good job, and whoever gets this contract will be able to provide the best service that we have.

>> Mayor Adler: Okay. So we're on item number 13. Mr. Renteria has expressed interest in having the number 2 bidder awarded the

[10:55:18 AM]

contract. Further discussion on the dais? Councilmember Garza.

>> Garza: This is the first I've heard of it. Can we just table this so I can find out more about it?

>> Mayor Adler: Let's go ahead and --

>> Garza: I would be willing to second the motion once I find out more.

>> Mayor Adler: Is there objection to tabling this item? Let's table number 13. Okay with you, Mr. Renteria?

>> Is there any specific information you would like to receive, mayor pro tem, excuse me.

>> Garza: I know he brought it up yesterday.

>> Mayor Adler: We'll bring it up later today. Councilmember tovo, quick question on 19.

>> Tovo: Yes, I need to

[10:56:20 AM]

further understand -- I have a couple questions about items had we had an ordinary week I would have submit through the Q and a, but I really don't have questions about bingo. I didn't express that correctly. Help me understand what we're doing. We need to be able to collect the tax revenue on bingo, we have to authorize this. So I'm in support of this, but I want to understand -- could you give us sort of a couple sentence outline about what we're doing here today?

>> Sure. So today for -- if you go to a bingo hall and you have prize winnings of more than five dollars, then the city receives -- there's a 5% fee on the winnings for the -- for the winner. And those are with held by the bingo halls and remitted to the city -- actually they are remitted to the lottery commission and the lottery commission would accepted the city and county their shares.

[10:57:21 AM]

Diana Thomas, city controller. The lottery commission, through the last legislative session, made the determination that they would no longer -- no longer wanted to collect those on behalf of the local governments. So if we want to continue to collect these fees, we would need -- the council would need to take action by November 1st. Then the city also has to notify all of the bingo operators that they would need to start remitting those fees to the city.

>> Tovo: I see. And then do you have any sense of what -- what the tax amounts have been that we've been able to collect through the bingo tax over the last few years?

>> Yes. We've been collecting almost a half a million dollars a year. And it goes to the general fund.

>> Tovo: That's very interesting and it reminds me of a point that they raised at the airport at our last airport session at the sister city trip in Minneapolis about the way in which they have gambling at the airport. I'm pretty interested in this because as we look toward needing to think

[10:58:22 AM]

really creatively about revenue opportunities, we might want to look at whether it makes sense -- whether it makes sense to encouraged bingo halls. Thank you for that information. I appreciate it.

>> Thank you.

>> Mayor Adler: Motion to approve 13 -- 19? Councilmember tovo makes the motion. Second? Councilmember alter. Those in favor? Those opposed? It's unanimous on the dais. 19 passes. You said you had an equal quick question on 48?

>> Tovo: 48 is the item related to our relationship -- as I understood it, our relationship with Travis county and I just had a quick question through our health department about how -- how do we determine what the contribution portions will be from the city versus the county and how often are those reassessed.

>> Councilmember, Kimberly

[10:59:25 AM]

mad objection for Austin public health. The agreement is reviewed and negotiated annually. We do have within the agreement a cost model of how -- and a methodology of how we determine the estimated amount. We actually bill the county on actual expenditures, but we do for budgeting purposes estimate an annual amount.

>> Tovo: Okay. Thank you. So those -- so would you say that annually you are relooking at that cost -- how recently has the cost model been updated?

>> We update the amounts and the factors in the cost model annually with new information from the demographer and other elements in our budgeted approved budgets. But we are in the process of relooking at the entire agreement at this point for a major renewal next year, for '21.

>> Tovo: That seems like it might be an interesting subject to talk about at our public health committee. I would like to understand a little more about that and the work going on and make

[11:00:28 AM]

sure that each entity is contributing at a level reflective of the needs of their constituents. So thank you very much.

>> Mayor Adler: Is there a motion to approve item number 48? Moved by councilmember tovo. Is there a second? Councilmember alter. Any discussion? Those in favor of item 48? Those opposed? Unanimous on the dais. 48 passes. Councilmember tovo, you also pulled item 20.

>> Tovo: I can't promise that will be terribly fast, but I have a couple questions for staff. This is the heritage grant program and I'm excited to see us providing grants at this level. I think we are on a good path with regard to those investments. I did want to ask, I think one of the things that is really new for the city is the funding of outside organizations that are for

[11:01:28 AM]

profit. Entities. And so that raised for me a general question that I think is also probably applicable to those entities that are nonprofits in which we're investing in their structures. Can you help me understand, in the case of the investment that we're making for structural stabilization for [inaudible], for example, or there are a couple others on here that I'm not sure have historic designations. I guess that's the first question I have. Are all of the structures that received heritage grants landmarked?

>> Melissa Alva regard dough, economic development. As part of our guidelines, each applicant either had to evidence their historic designation or evidence that they are in the process of obtaining that designation.

>> Tovo: Okay.

>> As part of their backup in their application.

[11:02:28 AM]

>> Tovo: Thank you. That was the substance of my question largely, to make sure that we're not going to provide a heritage grant for a structure that might later become -- might later be demolished.

>> And that also -- I apologize. That also is part of the reporting process that they have to verify that that designation has -- has continued.

>> Tovo: And what would happen if -- if they are not following through on that commitment?

>> Well, similar to our cultural arts funding process, there are levels of notifications that would occur if someone is found to be in compliance of the agreement between the applicant and the city of Austin. And those reporting mechanisms are currently being structured.

>> Tovo: Would we then have the ability to claw back any funds that were

[11:03:29 AM]

provided?

>> Absolutely.

>> Tovo: Could you Claire for me the acquisition -- clarify the acquisition, the heritage land acquisition?

>> Currently there is proposed there is a citywide historic building scan being conducted by neighborhood -- I'm sorry, planning and zoning department. And so our intent is to work

with the facilities governance group to help identify some potential historic properties for acquisition for council consideration. Unless otherwise directed with parameters from the council.

>> Tovo: So that 1,782,000 is not allocated for a specific purchase, it's just set aside for a general reason.

>> That is correct.

>> Tovo: Okay. Thank you. That's it.

>> Mayor Adler: Okay. Is there a motion to approve item number 20?

[11:04:32 AM]

>> Alter: I have a motion to approve and a question.

>> Mayor Adler: Is there a second? Councilmember tovo.

>> Alter: Just a clarification. Laguna Gloria in district 10, chateau bellvue is not in district 10 so for the record I would like it to reflect the appropriate district which I believe is 9.

>> Absolutely. My apologies.

>> Mayor Adler: Those in favor raise your hand? Those opposed? Unanimous on the dais. It passes. That gets us up to --

>> Alter: Mayor, is it possible to figure out for 142? If it's not going to be postponed, I'm going to need considerable time to review during the course of the day.

>> Mayor Adler: We can do that. Let's pull up item number 142. Do you want to make a motion

[11:05:33 AM]

to postpone?

>> Alter: Identify like to make a motion to postpone. I think we have some speakers here as well. I would like to postpone it until the next council meeting.

>> Mayor Adler: Okay. I'm going to want to hear staff on this question as well. We have some people to speak. First hear people speaking on the question of the postponement. Councilmember pool seconds the motion to postpone. I have three people that have signed up to speak. Do the people want to speak on the question of postponement? Is Mary Arnold here? Do you want to speak on the question to postpone? Mr. Ozier236789, you you will be next.

>> It would be very helpful to postpone this until your

[11:06:33 AM]

next meeting as some of the important backup material was not posted until yesterday inning you're -- yesterday evening. This is a complicated matter and I hope the public will be able to understand what's going on. So please postpone. Thank you.

>> Mayor Adler: Thank you. Mr. Ozier. Mr. Suttle, you are on deck and then we'll hear from staff.

>> I want to reaffirm what Mary was saying. The backup for the interlocal agreement was not posted by the city until after the close of business yesterday. And I was out during the evening. Didn't really see any real copy of this interlocal agreement until this

[11:07:34 AM]

morning. And it is complicated, and there are a lot of nuances that need to be reviewed probably by several people, contract experts and lawyers, to make sure that what councilmember Renteria was talking about on February 7th, that we get full value in this transaction. And full value in context of the transaction that involves a public-private partnership. We don't want to be in the position, I don't think, of subsidizing private parties by fee waivers. So I would request the postponement as well. Thank you.

>> Mayor Adler: Mr. Surgeries.

-- Suttle.

>> Rich Suttle on behalf of the university of Texas. Contrary to what Ms. Arnold

[11:08:35 AM]

and Mr. Ozier say, the document before you is -- while it's several pages long, it's a very simple transaction. It is in response to the direction this council gave the city manager months ago to negotiate and execute an agreement to realign red river back to its historical alignment so that the university of Texas could build a new arena, new basketball and entertainment arena at no cost to the city. There are two components in this. The -- you can't vacate property through an Ila. It has to be by council action. But the Ila contemplated it as per council direction. The piece that's not before you today that may be more interesting is the fee waiver piece. The fee waiver piece is specifically not before you today and it will be before you in a future agenda item. All this -- all today -- the action before you today is simply to vacate the

[11:09:37 AM]

property. Pursuant to the Ila, which has already been executed, it was executed a couple weeks ago. So there is a construction easement already in place. People are mobilizing. If you postpone -- first of all, I would like to hear the reason for postponement because maybe we could address it and then maybe the reason for postponement would go away. A postponement without a discussion sends a message to the university of Texas that the arena is still an iffy priority for the city and I would hope that's not the message we want to send. And then also I want to see if this is connected to the lions municipal golf course conversation because if it is, that's a different discussion as well. So we would hope that you don't postpone today and keep the project on track and keep everybody excited about the new arena often new performance facility coming to Austin. Thank you.

>> Mayor Adler: Thank you. Staff? Staff?

[11:10:41 AM]

>> Is there a specific -- Alex Gail, interim officer for the office of real estate.

>> Mayor Adler: Yes, thank you. What exactly is in front of us now? Are we approving the Ila?

>> So no, the Ila was actually already approved. This item that is in front of us, item 142, is for the vacation of the existing red river for -- in exchange for the new alignment of red river running through U.T.

>> Mayor Adler: Which was contemplated by the action the council previously took.

>> Correct.

>> Mayor Adler: So the council previously took action, there was an Ila already in place and this is the next step, executing the action council earlier took.

>> Correct. So what this would do and what is explained in the Ila is the vacation doesn't occur, the documents would be placed into escrow, the vacation only occurs once

[11:11:42 AM]

U.T. Builds a new red river under the new alignment that they are conveying to the city, and so basically those transactions would be held in escrow until new red river is completed and the city inspects and verifies everything has been done to our standards and they would convey the new easement to the city.

>> Mayor Adler: Okay. So I yes, sir -- I want to give you the chance to read it, but it seems to me we've already taken the action on the -- given the direction. The Ila has already been signed so this is now affecting the action we already took. But I -- so I would vote against the postponement, but I would join

in tabling this item until later in the day in case you wanted to take a look at that -- if you wanted to look at something or wanted to ask further questions. Just because I don't -- I don't understand, but would be open to understand what

[11:12:43 AM]

the benefit would be of a postponement. Okay? Councilmember pool.

>> Pool: I think the issue that's being raised by the residents is that the Ila document wasn't made available to us until yesterday. Is that true?

>> And that's correct, and I, you know, I apologize for that. That was nothing that we were trying to keep away from the public or anything, but in looking back at the previous transactions that we've had with U.T. On similar right-of-way vacations and the TFC, we realized the Ila was included as backup. Unfortunately we didn't realize that until yesterday afternoon and got that posted as soon as we could.

>> Pool: So I would ask my colleague, councilmember alter, what the mayor has offered, which is to postpone it so that we have some time to read the Ila and possibly take it up later this afternoon. What do you think? Would that be sufficient knowing that we have many momentous issues before us

[11:13:44 AM]

also to be digging into.

>> Alter: No, I don't think it would be sufficient. I'd like to hear, there were a couple other councilmembers in front of me so before I raise my issues.

>> Mayor Adler: Councilmember harper-madison

>> Harper-madison: I can't hear I, you've got to get closer to the mic and our desire to -- I can't hear you. Can you get closer to the mic, please? Thank you.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I'm going to support a postponement on this item for the reasons already described and also because, you know, we had a very limited time to talk about this yesterday. Well, we didn't talk about it yesterday. It came up late enough in the day it was just referred to in our especially called meeting. You know, I've got some email from constituents that

[11:14:45 AM]

I need to read through about it and there's just -- they were under the assumption it was going to be postponed so they are not here. I would be happy to signal from the dais my continued support of u.t.'s moving forward with a stadium, if that helps, but I do feel like I need more time on this and I doubt that I'll have theness today it throughout the day to -- the capacity throughout the day to dig in the way I need to.

>> Mayor Adler: Councilmember alter.

>> Alter: So I think, first of all, the Ila was not posted, it wasn't going to be posted until we asked for more information about this, as I understand it. We provided direction in February that something to the effect that we authorized to move forward with negotiations in a manner that ensures the city received credit for right-of-way value, expediting the project and anything of a similar nature

[11:15:46 AM]

and proceed with negotiations to secure these credits to benefit the community broadly. While we did not have complete agreement about the benefits, there was clear agreement we wanted to secure those benefits. Without reading the Ila, without having more information, I'm not seeing those. And while I support moving forward with the stadium and the alignment, we still have a fiscal responsibility to our community to make sure that we are capturing those community benefits. We do not have an obligation to under write this stadium. We have an opportunity to make sure we are doing the right thing and with 150-some-item agenda to ask for a postponement when the item is not posted correctly with appropriate information seems to be a reasonable request at this time.

>> Mayor Adler: Further discussion? Yes, Mr. Flannigan.

[11:16:47 AM]

>> Flannigan: I'm comfortable moving forward. We have contract experts, lawyers, they are paid better than we are. They work to figure these things out for us. We signed the Ila already. We have done this in the past where we put the staff through these hoops, we set the policy, now we're implementing. I'm ready to implement.

>> Mayor Adler: Further discussion?

>> Ellis: I'm also comfortable with moving forward. We've had discussions about this, you know, this straightening of the right-of-way previously, and so I can respect my colleagues' questions too, but I just am ready to move forward with it myself.

>> Mayor Adler: Further discussion on the motion to postpone? Councilmember Renteria.

>> Renteria: I'm comfortable moving forward. I went to university junior high and I used to see how red river was and how it has changed completely, so it would be nice to have it back the way it used to be and, you know, I still drive

[11:17:49 AM]

up and down that road and the way you have to go all the way around, it just doesn't make sense to not do it.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I have a question related to the length of the postponement that's being requested. Do we -- are you thinking the next meeting, are you thinking past that?

>> Alter: I was simply thinking of the next meeting. I'm very concerned about what were the community benefits that we got and from all I can tell from the little I can understand, we aren't even getting the road, we're just getting an easement. Whereas all discussions were we were going to get the road and I need to look at all of our final direction and see if that was even followed through the process, which has nothing to do with saying whether or not we should have an arena. We did provide direction and I need to be able to evaluate where that direction was followed.

[11:18:49 AM]

So you're going to have to be able to state to me exactly what community benefits we're getting beyond the stadium existing as part of this because our direction was not to give this up for the stadium, we had a number of different kinds of community benefits that we were talking about, and to my knowledge none of those have been provided. And we may need an executive session, but when it was brought up earlier, I was told they are not ready for executive session. So I have to be gone from 12:00 to 1:00, so, you know, we would have to be able to get these questions answered. They are reasonable questions. This is an enormous part of our downtown and this is property that we own that deserves a little more discussion for the ultimate transaction.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Further discussion on the question of postponement?

>> Kitchen: I didn't finish my questioning. Out of respect for my colleague, she's not asking for a long postponement.

[11:19:50 AM]

All of us at different times occasionally might need some additional time. And she's not asking for a lot of time. I can't see that it would be harmful. Out of respect for my colleague, I'm going to respect her request for postponement.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: My hope is we can move forward. It will improve safety in district 1. That to say, while I can appreciate your commentary, councilmember kitchen, I won't be in town on the 3rd and so if we're going to be deliberating an item that affects district 1, then I would like very much to be able to be part of the discussion, in which case postponement is not favorable for me or the people I represent. I'd like to say that I believe that this realignment project is a great opportunity for partnership between the city and the university, and maybe even more importantly, speaking of racism, as we

[11:20:50 AM]

were talking about this yesterday, the connection and making the city of Austin more connected, more united, making it more one Austin, having a partnership between the university and district 1, it's historic. Community members and new community members, I see this as a really good step forward and I feel really comfortable with moving forward by way of what's included as far as the details are concerned in this Ila. So I don't have any concerns there. And I really appreciate the opportunity to enhance connectivity from north of campus past the stadium and the new basketball arena through the downtown medical district and the new Waterloo greenway. So I have absolutely no concerns about moving forward and I really, like I said, will be out of town and I don't want to be excluded from the dialogue moving forward so I would press forward today.

[11:21:51 AM]

>> Mayor Adler: Further discussion?

>> Tovo: I appreciate that, councilmember harper-madison and I want to make sure you are in the conversation too so would support making sure we postponed it to a date where you are available. Red river also runs through district 9 in two places so this is a concern for me and I'm joining my colleague, I'm not just supporting her request, I'm joining her in requesting that we have adequate time to review this because that is our job as policy makers. I would just echo, you know, I don't think any of us request postponements arbitrarily or -- or when we're not really needing that time and so I would just ask that we really take that into account. I try to always support people in their postponements when they have legitimate reasons and it's not going to jeopardize a project and they are asking us for more time to do their job and to review it

[11:22:51 AM]

using -- using their expertise, but also making sure that they have an opportunity to talk with their constituents. I just got one email with like 20 points about this. I got it sitting here on the dais, I haven't had a chance to even read the email about the Ila. If we could please postpone it, I would certainly really appreciate it.

>> Mayor Adler: Further discussion on the motion to postpone? Let's take a vote.

>> Alter: May I change my motion to postpone until October 17th. I'm happy to do it for a special called meeting or sooner. I'm not trying to delay this, but I believe we have a responsibility to review the material and whether the Ila is not signed, I'm not seeing the community benefits beyond the project that we all discussed, no matter where these are, there's no version of those, from what I can tell at this point in time.

>> Mayor Adler: Any objection to changing -- allowing her to change the motion to postpone to October 17th?

[11:23:52 AM]

Hearing none, the change is made. Any further discussion? Councilmember tovo.

>> Tovo: And if that date is a concern, the other option, councilmember harper-madison, I don't know if you would be available at the work session on October 1st. Because if that pushes it out too much, I would support calling for a special called session on that work session date just to take up this item.

>> Mayor Adler: Let's make the motion, October 17th or early special called. I'm still going to vote no, but I don't have any problem with the motion to postpone reading that way. Without objection, the postponement is until October 17 or earlier special called. Those in favor? Tovo, kitchen, pool, alter. Those opposed? Balance of the dais. Motion does not pass. Er I'm going to put this aside. If the motion to postpone

[11:24:52 AM]

didn't pass, to give councilmember alter more time to look at this.

>> Alter: I'm likely going to need an executive session at some point today. I don't know that they will be ready for it at 12:30. And I certainly won't be ready to ask my questions. I have a commitment to speak over the lunch hour. So perhaps we can plan that we'll have executive session over dinner.

>> Mayor Adler: We can certainly have an executive session on this later in the day before we take a vote. Councilmember pool.

>> Pool: In preparation for executive session, if staff could come back with a side by side to show what council had requested and what is in the Ila so we can track back to make sure the points we had directed staff to cover are indeed covered so we can answer the questions that have been raised legitimately by councilmember alter. Can you all do that for us? For the executive session this afternoon?

>> Mayor Adler: Manager?

>> I just want to remind us we're not voting on the Ila, it's already been executed.

[11:25:52 AM]

We're not post to do talk about that. We're posted to talk about the item in front of council the easement recommendation.

>> Alter: But how do we have a conversation about the easement without understanding what we're giving up for the easement? That doesn't make any sense to me at all. We are essentially giving them the rights to do everything and we have given up all negotiating leverage in this process. And it just doesn't feel right to me that we have that -- I mean, you are asking us to vacate it and we're vacating it in exchange for something. And without knowing what that something is, how do we evaluate this decision?

>> Councilmember, we can have information about what that something is in that executive session.

>> Alter: And I will ask my questions in public as well because public needs to know what we are getting in exchange for this vacation. Because this is essentially

[11:26:54 AM]

a private stadium. It's also be used by U.T. This is key property that we have and we need to understand it. Even if we disagree on where we would like those community benefits to be going, there should be some community benefits that are coming from this beyond that.

>> Mayor Adler: I think those are appropriate questions for you to ask and it would be a good conversation to have. I see a lot of benefit of having an arena in this community, and I know we have a history with lots of entities of trading right-of-way. And so this is something that happens all the time. Certainly there's a context for this conversation as well and we can have that conversation. We're not going to do it now. Without objection, this is going to be postponed until later in the day and we'll get into executive session before we bring it back for a vote. Ready to move on? Next item we have item

[11:27:58 AM]

number 29, the urban renewal issue. We have some people signed up to speak.

>> Tovo: I would just ask before the speakers speak if councilmember harper-madison who distributed an amendment could lay out her amendment so the speakers are aware of

>> Harper-madison: And there may be some movement here. For what it's worth, if we could hear the speakers first and we sort of as a body make the determination as to whether or not this is in fact the finalization of what's going to happen here. But I'll go ahead and just sort of lay it out. The motion that I'm presenting is that we authorize an agreement with urban renewal agency for a period of nine months and direct the city manager to provide city council with an update on the status of the board's activities no later than March 31st, 2020.

[11:28:59 AM]

>> Mayor Adler: Thank you. Let go ahead and call the speakers. Mr. Peña, do you want to speak? What about Megan Ellis? Come on down. Is Tracy Wittis here? Manuel Escobar? You have seven minutes.

>> Thank you, council, thank you, mayor and Mr. City manager. As the chair of the you are been renewal board and on behalf of vice chair Escobar and fellow commissioners, I appreciate the opportunity to address you. I understand there arose -- about how the board functions, who it represents and how city resources are allocated. Questions to this effect at a work session on August 20th weren't sufficiently answered by staff so I took the opportunity to better answer those questions by email the same afternoon. Along with more detailed responses, I offered to meet with anyone from city hall to departmental staff to

[11:30:00 AM]

discuss the issues more deeply and understand better what it was we need to do demonstrate. I was disappointed there weren't any takers, but it wasn't until stakeholders began mobilizing I became disheartened and distraught. The board had suddenly become a threat to our existence. You can appreciate why we were caught off guard. Our understanding after the plan extension in December was that we were working towards a five-year time line to demonstrate progress and accomplishments. Right out of the gate we set out to establish performance metrics for that purpose. In January we formed a committee to focus on that task which regrettably wasn't green lighted by city hall until July. After just three meetings of the committee we're on track to finalize and deliver a set of metrics by December. The urban renewal board is accused being inefficient, redundant and poor use of city resource. Our board is composed entirely of volunteers. However, we technically have

[11:31:02 AM]

no prom matic budget provided by the city. Expenses we incur are personnel, property maintenance insurance and printing agendas for meetings and yet we make progress. To that end I want to address the issue of meeting quorum. In 2019 so far there have been only two meetings canceled for lack of quorum. One was canceled by staff for, quote action lack of agenda items. Even show this board has inverted the meeting record when it was only meeting three to four times a year. At work session this week, you learned about our -- planning documents associated with this area. That work is necessarily preliminary for not only releasing but by scoring a metrics. We've made a first pass at the definition section which have to be taken first to create a solid foundation for the rest of the document. We are tasked and ready to come together in October and continue moving through the plan section by section each

[11:32:02 AM]

meeting until we complete the job. The current board lives, works and breathes east Austin history and community. My own father grew up in councilmember Renteria's district just about a mile from where I live in and out in councilmember harper-madison's district. My home is sandwiched between the urban renewal areas. Five of our current commissioners live within four miles of 12th and Chicon and each has their own story and why we continue to call this community home. This board serves as amplifying voice for the community mobile homes who have been and continue to be under represented and often intentionally ignored in planning and development process. We serve as a conduit for community input and continued investment and development on east 11 and 12th streets. We have been and continued to solicit input from groups as the renting population of market rate and public housing like the Marshall apartments, neighborhood associations, historic minority and new business owners, property owners, faith based communities, developers, development

[11:33:03 AM]

corporations, northern profit organizations, educational solutions, the list go on and on. Anyone else who want to work to realize a vision, we are open to hear their opinion out. They deserve to see their vision made real and I believe we owe it to them. The state's statute requires board members to be property owners. We can agree this represents the institutional racism and classism that our very board is committed to working against. The ten-year extension approved last year was predicated by the idea our city has to own its legacy of racist, paternalistic policy. That was council's mandate we take with sincerity. The only purpose of the urban renewal board was to dispose of [inaudible] But implement blpureen space, et cetera, et cetera, up to and including as developer of its own property.

[11:34:04 AM]

A board can act as driver of economic development and function as entrepreneurial a fashion as its municipality sees fit, which is a far cry from a single focus on disposal of city owned property T power of eminent domain has become a key player in this conversation. Let's get into it. The urban renewal board having no funds of its own can recommend the city exercise its own power. However, in a future scenario, an urban renewal board just disposed of two value central city properties can exercise its state granted power of eminent domain. Having said that, I want to make sure that I'm not misunderstood by anyone hearing me right now. In stating and affirming the board has this power. That kind of latitude has very little legitimacy conserve such power has so often been wielded irresponsibly with toxic intent Anna fair use gain. Any success has been through

[11:35:06 AM]

collaborative efforts like six square, preservation Austin, historic landmark commission and without which our success would have been far fetched given how high the stakes are for this neighborhood survivor every day. Our agreement with the neighborhood housing and community development will ex into irrelevant in mere days. Our board urges you to approve staff to execute an agreement of 12 months with five renewal options as posting language recommends. Anything else would sound a death Nell that there's no more room at the table. We encourage appointment of new board members to fill empty seats and prevent quorum issues. We expect reappointment of existing commissioners who stand able to deliver on the vision and goals of the urban renewal plan for east 11 and 12 streets. In closing, I'm here representing the entire board. I was authorized by my colleagues to impress upon you that our continued mission, presence and realistic time line to demonstrate progress is

[11:36:06 AM]

critical. For as long also I remain a member of this board, I'm available to take questions and proud to serve as resource for council on behalf of the community. Whether it's for the next two weeks or next nine years. I thank you for the continued opportunity to serve the central east Austin community and I would be happy to answer any questions you have.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Thank you very much. And I know you emailed us yesterday as well. I just want to clarify that you -- what your position is on the shorter term. Or whether the board was aware that there would be an amendment coming forward and had an opportunity to contemplate that.

>> It was discussed in meetings with councilmember harper-madison. I don't believe there is anything to be gained from shortening the time frame from 12 months to nine months. I believe when we deliver a performance metrics for the 2023 look-back that that's having those performance metrics alone is

substantial enough to demonstrate we're making progress and aim to complete what we set out to do in a five-year time

[11:37:06 AM]

frame. Of course, we feel the pressure of that without any -- the 12-month agreement is pressure enough to demonstra that we need to be renewed every year. Nine months feels like we would be set into the next year with one hand tied behind our back.

>> Tovo: Thank you.

>> Mayor Adler: Further discussion on the dais? Do you want to make -- make your motion. Councilmember harper-madison moves to extend the contract for nine months with basically a six-month check-in.

>> Harper-madison: And I would like to --

>> Mayor Adler: Let's get a second to that. Second to that motion? Councilmember Ellis seconds that. Go ahead.

>> Harper-madison: If I may reiterate the commentary that I made yesterday, if we as a body came to the conclusion and the urb came to the decision -- I would -- I would not for a

[11:38:06 AM]

moment be hesitant to remaining in existence, but I remain hesitant that there hasn't been the production of the performance metrics. I want to appreciate and encourage citizens to continue to volunteer their time for initiatives and efforts that they believe are beneficial to their community. This is exactly how municipalities work best, right? We all show up, we all do what we think is best, but we also have to be very realistic about efficacy and the expiration of tools that don't serve us. So I have no personal commitment to the dissolution of the board, I have no personal commitment to removeing members of the board who are so committed.

[11:39:07 AM]

I just want to make certain that we're using the best tools for -- for what is appropriate given our current considerations. Not historic, not future, but current contributions. I really -- current considerations. It really is a strong -- it's a strong ask for your community to ask you to give so much time. That's how I landed on this dais in the first place was as a community advocate. Thank you very much. We appreciate your time.

>> Thank you, and can I ask a clarifying question?

>> Mayor Adler: No. If someone wants to direct a question to you, they can do that. Further discussion?

>> [Inaudible]

>> Mayor Adler: Mr. Renteria.

>> Renteria: I'm going to support my colleague. I grew up a block away from

[11:40:07 AM]

11th street on Willis street. And I seen the transformation of this community and seeing all my childhood friends having to move out of there. I'm a big supporter of urban renewal board, but I haven't seen anything coming out of there. And I think that, you know, that the only way that we're going to make this into a successful project is by setting time limits because we need -- we're in desperate need to bring back, you know, affordable housing and we're not going to be able to do it anymore by single-family -- you know, I would love to have frozen the city back then and -- but, you know, Austin was really a racist city. You know, we embraced

[11:41:07 AM]

segregation for years and years and years. You know, I -- we fought hard for our community. They were planning to do the same on sixth street and fifth street because there was a blight. We realized that, but we had businesses there, we had families. And they decided that the least resistance was down 11th street, 12th street, and I see the destruction that happened to our black neighborhood. My friend, the African-Americans there, you know, I grew up and still have personal relationships with. But I've seen the displacement that went on and on under the falsehood of preservation, affordability. Keeping low-income people and not doing anything. And it did not work. It did not work. We need some more Progressive people coming in there and bringing back

[11:42:07 AM]

affordability. You know, I -- my biggest battle has always been, I didn't do 13 years in a community development commission because I just wanted to serve. I knew where we had been displaced, slowly get displaced by not building, you know, when we owned houses that -- and bought houses that sold back then at nine, ten, \$15,000, and now they are appraising it at half a million plus, but we can't afford to live there. And, you know, if we want to keep low-income people in the inner core, we need to be

more Progressive. We need -- it's an urgency right now. It's not let's wait ten more years. Ten years from now, there's nothing good-bye to be here, you know. Even five years. We're getting displaced

[11:43:09 AM]

slowly because we're arguing that let's keep affordable units when we know that eventually they are going to offer you so much money you are going to go and you have these old units that you cannot repair. Thank god for the citizens of Austin giving us the ability for the \$250 million that we can use to repair and give grants to low-income people, grants to do the repair. But in order to bring houses up to standards that we have today, it costs so much money. I mean, it's \$50,000 plus. So, you know, we really need to address this issue and we need to put a time limit on this. We can't just keep dragging it and dragging it on.

>> Mayor Adler: Thank you. Next speaker is Clifton Vandyke. Mr. Vandyke. You have time donated from Christie Cleveland. Is Ms. Cleveland here?

[11:44:09 AM]

>> Present.

>> Mayor Adler: Yes. Thank you. You have five minutes, sir.

>> Mayor, mayor pro tem and council. Thank you for the opportunity to speak today on behalf of the organization of central east Austin neighborhoods. I'm Clifton Vandyke, current vice president and past president of the neighborhood association and a resident of New York avenue. My family, grandparents, parents and aunt has been on New York avenue since the 1920s. And my parents were very active in promoting the integrity and well-being of our community. I'm grateful for their example and contributions in the past several years of my advocacy for our area has made me appreciative of all they poured into their stewardship for this part of east Austin. Your unanimous decision last year to extend the duration of the urban renewal plan was a good one that recognized a clear need for

[11:45:12 AM]

sustained, focused oversight of the planned area, particularly regarding east 12th street. The current board has demonstrated the commitment to revitalization that provides for growth and respect and serves the people and institutions of east Austin as originally intended. They desk your -- deserve your support and I add my voice to so many others who have heard over the past several years calling for renewal in current contract and current board members who wish to continue their service. My family and long-time friends and associates have been quite a bit dismayed over the years that challenges our

faith in city government and planning efforts in east Austin. I believe councilmember harper-madison called it maternalism. I appreciate that observation and suggest that populating oversight boards

[11:46:12 AM]

with proven community-minded leaders is essential to fostering faith and stakeholders and what is occurring truly intended for their benefit and not just what someone on high simply thinks is best for them. I see that kind of open-mindedness and true spirit of collaboration for the good of all in current board members. Please hold on to that support. Finally, I just want to reiterate what osha and others stressed last December when we advocated for this plan, it is -- for extension of this plan, it is up to all of us for renewal rather than remove them. That is possible when we hold ourselves accountable for outcomes and I find it encouraging that the city is taking inventory of current conditions on both streets looking at plan and city priorities seeking metrics

[11:47:13 AM]

by which we measure our success. We all share the urgency regarding progress in how we determine what has been achieved. Thank you again for all of your time and attention to supporting our community and its plan.

>> Mayor Adler: Thank you, sir. Is Nate Jones here? Come on down. What about Eric Standridge? You'll be on deck.

>> You did say Nate Jones, right?

>> And he is not available at the last minute so time going to speak.

>> Mayor Adler: Give your name to the clerk.

>> Who is the clerk? My name is Christine

[11:48:13 AM]

Kristine, and last name g-a-r-a-n-a.

>> Mayor Adler: She signed up as speaker number 6. Go ahead.

>> Good morning, mayor and councilmembers. I'm a long-time resident of east Austin. My neighborhood association belongs to ocean. First I wanted to thank the mayor and council for the appointment of this current board because they have been so engaged and show up and work hard and that's the kind of thing that we really need in our neighborhood. And speaking to councilmember

Renteria's remarks, I truly believe that this board are the right people at the right place and the right time and they are going to address those very concerns that you share and that I sharement I lived in east Austin for over 20 years and I have seen the significant changes made in that neighborhood. To that, there is a bit of a time line crunch, I agree, but I think we still need to

[11:49:13 AM]

be smart in how we develop this neighborhood and how we develop these tracts and how we support the current families that make up the neighborhood. And so relevant that these neighborhoods also support our schools. So how these corridors are developed or not has been a major focus of ocean and other neighborhoods for almost two decades much these streets run through some of the oldest neighborhood areas of east Austin and the goal has always been to restore them as places that provide for the daily commercial needs of residents and a manner that respects the context. Division has and remains a mix of local business, new housing and preservation, adaptive reuse of historic and cultural assets. That requires a lot of care and attention and it's easy to see east 11th street has made more progress on that front than east 12th street and I live on 13th

[11:50:14 AM]

street. For that reason last December we evacuated along with the -- advocated for a plan extension for ten years. We remain grateful for your unanimous vote to allow more time for the community and board to collaborate with east 12th street property owners on the implementation that fits the vision for the street. We view renewal of the contract between the city and agency together with five optional extensions as critical to following through on that commitment. This community needs the urban renewal board's singular focus on what will best encouraged steady progress. The urb plays a role that cannot be duplicated in terms of accountable dialogue with all the stakeholders of this community. We ask that you please support item 29 as proposed. A 12-month renewal and five optional extensions. We also urge you to reappoint all the current commissioners who wish to continue their incredible service to this project. It is great to E reappointment of vice chair

[11:51:14 AM]

Escobar and we are looking forward to meeting two new commissioners. Board meetings --

[buzzer sounding]

-- Have become the place for ongoing projects and a place that solicits broad feedback regarding community priorities for redevelopment of the east 11th street properties. Thank you for your service to Austin.

>> Mayor Adler: Thank you. Next speaker, sir. Go ahead.

>> Good morning, mayor, mayor pro tem and councilmembers. Thank you for the time to speak on an item critical to the entire city of Austin. My name is Eric Standridge and I've been lucky to live and work and volunteer in east Austin. I was here along community neighborhood planning groups, nonprofits, cultural leaders advocating for staff recommendation to end the urban removal plan.

[11:52:15 AM]

This body voted to renew for ten years recognizing the tasks remaining on publicly owned tracts, but also the dire need for guiding east 12th street to the same kind of progress we have seen on 11th street. This board has been proactive dialogue in proactive dialogue with you eureka. It wasn't until the work of this body eureka sent representatives to some of our organizations to ask shared priorities and concerns and questions. It wasn't until the work of the urb, mayor and landmark commission that eureka started working on restoration of an important African-American landmark that before this year sat in utter deterioration under their ownership. Just this Monday at urb, eureka shared the first visioning document for redevelopment of all their vacant and underutilized property. That's a huge change for the better for this community and the city. Where is all that dialogue and progress going? Besides staff, who is the constituency opposed to this item or board?

[11:53:16 AM]

Why impose a repeated six to nine-month cycle of crisis on volunteer board and the community trying to make real progress on large complex issues that take years to solve. Amazingly in 2019, slum and blighting conditions are still evident. The access of economic activity is blighting. It deprives people of economic opportunities in a city of sustainable tax base. The decline of neighborhood businesses. Any reasonable person that walks down 12th street can see the opportunity. No reasonable person thinks you can trust a plan is going to manifest itself absent a caring and dedicated board of accountable people entrusted with appropriate resources and a timetable to development. This is not just a district 1 issue. In 2019, people did not restrict themselves to living, working, shopping within the political boundaries nor should this body limit their vision to their own district.

[11:54:17 AM]

Our leadership understood the scale of the problem required a city scale solution and decades of public and private investment in an area where the work is clearly not done. Gentrification indicates failure of cultural preservation, it should not be used to undermine the community and this body's

will. I urge the body to vote to renew the contract as posted and support repayment of its members. This should be an easy chip caused to champion. You have the plans and public servants.

[Buzzer sounding] Follow through and -- thank you.

>> Mayor Adler: The last speaker is Bonnie Ramsey. Come on down. Take your time.

[11:55:39 AM]

>> Hi. My name is Bonnie Ramsey, and I've owned my home at 1004 olive street for 23 years, I believe. 22 or 23 years I've lived in east Austin. And, sorry, I'm a bit nervous. I have some I have neurological problems too. I'm addressing the issues specifically of the backyard. I go there regularly and I have seen the development of Kenny Durham's backyard. We've been working on that since it was just a plot of land. And I helped rake stones off that

[11:56:39 AM]

piece of property. And so it's just a wonderful cultural venue on east 11th street. And I've seen it blossom into a beautiful cultural area where everyone is welcome, including me, and it's the only place that I feel that I'm welcome to go. And over the years, at any venue, whether there's five people or 200 people, I've never been discriminated against, ever. And it's the only time I can go to a location or a night club in Austin and not be asked about my disability or I just feel welcome. And it's a wonderful place. So I'm worried about Kenny Durham's backyard. So anyway, it's operated and managed by the urban renewal

[11:57:41 AM]

agency and every year that you are -- negotiates a license agreement for diverse art cultural work to program a space with music and other events. Diverse arts is run by my long-time and dear friend and neighbor, Harold Mcmillan. And he's an east side living legend, in my opinion, and devoted to east Austin and its arts. And to giving the community a place to appreciate their talents and providing cultural diversity and unity amongst everyone in the entire east side community. And as I understand it, the 2018 and 2019 boards have incredibly -- have been incredibly supportive of Mr. Mcmillan's work and his continued presence on east 11th

[11:58:42 AM]

street, and last week the board tried to approve a year-long agreement with diverse arts, but staff only brought them a 30-day option saying that a longer contract depended on whether or not the council reviews its contract with the urban renewal board today. And this was kind of troublesome for me. And this board and its work are crucial to the long-term --

[buzzer sounding]

>> Mayor Adler: It's okay. You can finish your thought.

>> Anyway, I'll just go down to the last sentence. I really urge you to authorize the 12-month contract and make sure all the commissioners are reappointed.

>> Mayor Adler: Thank you.

>> Please don't break what works and please support it. Thank you.

>> Mayor Adler: Thank you.

>> I appreciate your support.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Colleagues, that

[11:59:43 AM]

brings us back up to the dais. The motion in front of us is for a nine-month extension to the contract with a check-in in six months. Further discussion? Councilmember pool.

>> Pool: I support the staff's recommendation and -- but I'm not sure what the feeling is on the dais. I'd kind of like to get a sense if there is support for the staff's recommendation, which is the 12 months with five one-year extensions, if there's not support from that, I will abstain from the nine-month motion that's on the table.

>> Mayor Adler: Okay. We also have the mayor pro tem is off the dais. If we needed her vote, sixth vote, we would take -- I told her we would not hold the record vote until she came back. So it might be good to get a sense where people are on the dais on this issue. I'm going to support the

[12:00:44 PM]

nine-month extension with the six-month back. Other people want to give an indication on that? Councilmember Casar, so we know there are at least four. Yes. Councilmember tovo.

>> Tovo: I need to understand did see so I support the original staff recommendation. We've gotten feedback from different community members after the last discussion, and I'm not sure how they would weigh in on a shortened term, Dr. Urdy and others sent us a letter probably about a month ago. Can I better understand what the extension is of the nine months? So it would be an extension of nine months also with renewals? Or what is intended to be the process? Just an extension of nine months with no automatic renewals? What happens when the update comes back? Is there an opportunity at that point or an expectation that

[12:01:44 PM]

there would be a possibility for an extension? If you could talk me through that process.

>> Sure. So to reiterate what I said previously, there's absolutely no rigid commitment to the dissolution of the board. But I do want to make certain that we are appropriately allocating resources. And I also want to make certain that we recognize -- I really appreciate the last speaker, especially after my cancer treatment I had some neuropathy that really made me struggle with neurological stuff, so I really appreciate you being bold and brave and coming up and talking before the body today. What she was making reference to with Kenny Durham's backyard, some of my colleagues may have not had the opportunity to spend a lot of time like I do on east 11th and 12th streets. These are pieces of parcels that will inevitably be developed. We want to be certain they're developed appropriately.

[12:02:44 PM]

My colleague, Renteria, appointed out that we have an opportunity here with city-held assets to make certain that we build in the affordability and housing that we're looking for on the east and 11th and 12th street corridors. So I just want to -- just to be clear, the goal with the nine months is, people say, you know, there's not much of a difference between nine and twelve months but that's not the case at all. So as some of the urb members pointed out, they got to see what otherwise has been, you know, pretty close to the vest by way of the developers developing 12th street, they got to see the overall vision. And so if the vision is being presented to the urb, that means there are next steps. And next steps mean a definitive timeline for progress and efficient recognition of what our next steps need to look like. And so I do believe that that three months between nine and twelve months is substantial and

[12:03:45 PM]

significant. So I would like to see the manager come back and just sort of recognize what they've been able to ascertain by way of just making an observation. What has transpired over the last six months? We're talking about a process that has been in place since 1999. And properties that have been at play

since 2008, 2009. We don't have time to extend processes that to date haven't worked. And while I can appreciate -- you know, it's one of those things, when we talk about the evolution of a thing, we've had multiple people recognize that this latest iteration of the body is the best yet, but we still don't have time to sort of wait and see. We really need to be definitive about our next moves. And so what I'd like to see happen is, by the deadline presented, have the manager come back and let us know what's transpired to date and at that nine-month mark, then we get to reassess whether or not it's appropriate to move forward with the urban renewal board in place

[12:04:46 PM]

with what I would like to see be some new board members, some, what I consider more appropriate representation for the historic African American heritage cultural district in place and I'd also like for us to at that time have that board be able to recognize with whether or not they need more time, whether or not they are in a position to not be able to accomplish what needs to be accomplished with the remaining parcels. I would like to say I definitely am not so rigid that there's not the opportunity to be flexible at that nine-month mark, but I'd like to make it a nine-month hard deadline to be able to come back and say either prove something has transpired that's to the benefit of the community and the use of those two parcels, or we move in a different direction.

>> Mayor Adler: Yes. Councilmember tovo then councilmember pool.

>> Tovo: Thank you. So I think what -- I want to be sure I'm understanding the way in

[12:05:47 PM]

which you answered my question and then I guess I would ask that we clarify the understanding. So what -- would the intent be that in nine months, it comes back -- we get a report in six months and nine months it comes back to council for a decision about whether to continue or not.

>> Harper-madison: Slowly. And whether to continue for a very specific period of time, as opposed to building in automatic renewal extensions.

>> Tovo: Okay. Could you -- could I ask then that we add some language making that very clear? Maybe something along the lines of at the end of that nine -- at the end of that period of nine months, council -- there would be a vote of council to determine whether or not to renew? Something along those lines? Or maybe --

>> Harper-madison: I would be comfortable with that if we made it not so rigid that it's just a council approval. I also would like to offer the board the opportunity to

[12:06:49 PM]

determine whether or not they need to remain in existence. Right? And so I'd say up for consideration, as opposed to council approval, and I think at that time we can determine whether or not this is the period at which the council needs to weigh in on the rigid determines about the continuation of the board. So maybe at that six-month mark that would be a good opportunity for the manager, the board, and members of council, specifically -- so while I can appreciate the testimony about how this is a citywide issue, this is a d1 issue. This is an 11th and 12th street issue. This is one reason I'm so, so grateful that we have the opportunity to have district representation. So alongside my colleagues, we can both consider the relevance to the city at large, but also specifically to this district. And so I have the opportunity to dedicate some time and some effort to it. So let's say the d1 office, city council, the board, and the manager at the six-month mark when we take into consideration

[12:07:49 PM]

what's transpired, then, you know, we move forward with the understanding that at the nine-month mark, council -- so I guess alongside your modification to the language, at the nine-month mark I would add, at the six-month mark, at the March 31st mark -- March 31st mark, that council is updated by way of the manager and the board and the d1 office. And that way it's more of a collective effort to determine what has transpired?

>> Tovo: Okay. So there are -- at the six-month mark we'll receive the recommendation from the board itself. We'll have a council discussion in which you'll share your recommendations, and the manager can share his. But I want to be sure that we have an opportunity at that point for the community, not all of too many -- some of whom expressed

[12:08:51 PM]

some strong concerns about not continuing the urban renewal agency, and so I want to afford them an opportunity as well, and what I want in this motion is there to be very specific language that it would require another vote of council to dissolve the urban renewal agency. And so if that's your intent, then can we please work together on language, or can the manager suggest some language that would make that very clear, that the board will not -- the agency will not be -- the agency will not be dissolved without another vote of the council?

>> Mayor Adler: How about we do this because it's 12 after 10. Let's put this aside, once you come up with language, when we come back from lunch, we'll take that up and see if there's language at that point that works. Yes.

>> Harper-madison: I'm sorry. I need to recognize --

>> Mayor Adler: That's okay.

>> I'm with housing and community development. My understanding from staff or

[12:09:52 PM]

the law department is that it would take an action by council to dissolve the board. It can't just cease to exist and that's a requirement of state law.

>> Tovo: I guess my -- I'm sorry.

>> Mayor Adler: Go ahead. You can ask your question.

>> Tovo: I guess I just want to be clear that this action today, if this action proceeds to renew it for nine months without specifying that it's coming back to council, I would be concerned that it would leave it in that uncertain place as to whether or not today was that action to dissolve it after nine months.

>> We would have to bring an item back.

>> Tovo: I see.

>> At the the nine-month mark.

>> Mayor Adler: You want to --

>> We'll write some language and come back.

>> Mayor Adler: Okay. All right. So without objection, let's go ahead and table that. It's 12:10. Let's move to citizen communication, then we will break for executive session. And then come back.

[12:11:03 PM]

Citizen communication. Is Bennett Easton here? All right, sir. Larry Nelson? Is Larry Nelson here? Larry Nelson? No? What about Rebecca Robinson? Is Rebecca Robinson here? You'll be up next. Go ahead, sir. .You have three minutes.

>> Good afternoon. My name is Ben Easton. I've been a resident of Austin since 2003. I'm here today to speak out against the city council's homelessness policy, which I would characterize as absurdly overtolerant. I'm also here to propose an immediate next action in order to mitigate the damage done to the greater Austin area. Having toured several tent villages near Ben white and manchaca, interviewed a dozen occupants of they impermanent, illegal homesteads, interviewed

[12:12:07 PM]

residents by Ann Richards school, who are scared to walk to their campus, I'm appalled at your policies wasted upon us, the citizens of Austin. It's as if you want to punish us with guilt, which is not ours to bear, by the way, make us out as a bunch of spoiled brats, those who would say not in my backyard. But what you, the city council, have done instead is create a storm of protest that takes the form of nimfe, not in my front yard. That is where much of the problem now resides, in our front yards. The entryways to businesses, downtown residences, and under the awnings of museums, restaurants, and theaters. Rather than handling this issue from the outset and never allowing it to become the unnecessary crisis, now spread like rotten eggs over the face of our formerly fair city, rather than using the considerable budget designated for this purpose, which I've heard of north of \$65 million, rather than summoning common sense and can-do, get her done

[12:13:10 PM]

resourcefulness, rather than using tough love and clear headed leadership to deal with down and out, you have caused them to wander, spread out. Infiltrate, and generally to you yougo -- uglify our city. I implore you to immediately reverse your policy and reinstate the ban on homelessness dwellings we know five millions of this spot, city hall. It ought to include panhandlers as well for these people are micro instances of homeless encampments. They leave awake of trash and refuse. They can be transferred humanely, safely, securely to city and count owned properties away from the city center. Such removal does not mean that my fellow citizens and I intend to hide and forget this problem. No. It means that we, as a community of proud and responsible urban dwellers, believe that we can and

[12:14:10 PM]

must deal with this population crisis in a bold new way. We must declare several safe designated species, each with proper but no doubt Spartan facilities for the temporary inhabitants to safely and privately heal their wounds. Thank you very much for your attention on this matter.

[Applause]

>> Mayor Adler: Ms. Robinson, won't you come on up and speak. Is Robert battaile here? You'll be up next. Ma'am, you have three minutes.

>> Hello. Thank you for hearing me today. I am here to ask that Austin public library, funded with our tax dollars, stop drag queen story hour for children. Over a year many parents have been objecting to this program at the branch libraries but no one is listening. The library actually has been hiding the story hours by not putting them up on the public events website schedule with all

[12:15:11 PM]

the other events. The Austin library's demonstrating no accountability and no transparency on this issue. One drag queen who has been at many of our libraries calls himself miss kitty litter. Recently we found out that he has a prostitution conviction on his record. But the library told me they do not do background checks on these drag queens. Incredible. Austin's miss kitty litter, like most drag queens, works in hardcore, XXX porn night clubs. And like many drag queens, he is immersed in porn. He has posted many obscene pictures of himself on his social media pages. The pages have captions above above above boasting of his colorful sexual exploits and show him engaged in caricatures in acts of sexual

[12:16:13 PM]

bestialty. He's dressed up like a woman in a kitchen, sliding a baby doll on a roasting pan into the oven. In another picture he's shown as a woman beating up a baby doll with a whip. Former drag queens state it is quite common for drag queens to share their social media handles with minors, and recruit them as drag queens when they turn 18. Then they are drawn into the sex trade. Even drag queens state that these story hours are the grooming of the next generation. The library claims drag queens are role models who teach our children inclusiveness and welcoming. But what they are really teaching by example and through stories are lifestyles hostile to Christians' sexual morality. Believe it or not, many Christian taxpayers believe that people are not objects to be used or things to be discarded, like yesterday's trash. Like the lifestyle drag queens

[12:17:14 PM]

lead and teach kids by example. But when we object to this program, we're called bigots. We're called haters. What groups are next? If our Jewish and Muslim friends object, will they be labeled as bigots and haters too? Is it the role of the publicly funded library to persecute its own taxpayers using our kids as Guinea pigs and our tax dollars to do it? We are the parents. Not the library. It is our job to teach our children moral values, not the library's.

[Buzzer sounding] If they can't understand this, we should stop funding the library. Thank you.

[Applause]

>> Mayor Adler: Come on up.

[12:18:17 PM]

Is Julie Marquis here? You'll be up next.

[12:19:18 PM]

You ready?

>> Thank you, Mr. Mayor and councilmembers. Good to see you. My name is Robert battaile. I'm commissioner of the Austin bocce legal. I just passed out this handout. It's also available at [Austin bocce league.org](http://AustinBocceLeague.org) if you'd like to look at it. Bocce course throughout the city, four sites, and a main beautiful competition center, I think Walter long lake, the perfect spot. That's what this detail is down below here. There's a couple of myths. Bocce is not an elitist sport. It's not just for old people. Now, if you go through this book you'll really get an education. This design here in front, unique

[12:20:18 PM]

to the world. You can look down to the courts. It's got enough courts that you can have public games, league play and also events. I started a league in Santa Rosa ten years ago. Now there's 500 people playing in the league five nights a week. Really turned the park around. So I've got some designs for canopies as well. We would have bleachers and so forth. And international competitions. Now, I'm showing what's going on in the rest of the country and the world. The page with the commissions, competitions, Florida, 40 bocce sites. Texas zero. What's wrong with this picture? East coast tournaments, Massachusetts, Ohio, Connecticut, Virginia, on and on, up and down the west coast. The next page is the 46th annual world series of bocce. They have 16 courts there. It's a hundred teams playing, 36 women's teams, \$30,000 in prizes.

[12:21:21 PM]

Look at grandpa and grandma role, look at the rvs. Walter long park of course is an rv center. Next international competition. Look at this course or court, rather, in Argentina. Games in Turkey, Italy, France, Algeria, Spain, special olympics. Next Australia, senior games. Under the 23, junior leagues playing in Monaco. I want to go to that one. South America, China. Next charity fundraising is enormous. I was getting emotional putting this together. First one, neonatal unit, hospital charity, \$20,000 is their goal. Next, child advocacy group in Colorado, 18th annual, \$50,000 raised. There's 6,000 nonprofits --

[buzzer sounding]

-- Boy, that was fast, wasn't it.

>> Mayor Adler: It does go fast.

>> Can I buy a vowel?

[Laughter]

>> Mayor Adler: Only if -- we have the handouts you gave to us

[12:22:22 PM]

so we appreciate that.

>> Please spend a little time with that and --

>> Mayor Adler: Thank you very much.

>> Let's go for Walter long. Thank you.

>> Tovo: Mayor, I just want to do thank the speaker for coming and talking about bocce and bringing the balls. I don't think I've held a bocce ball since I was a teen. In those days we did have to kind of slip in and play the game when the adults were done playing or taking a break so it's always fun to hear you come and talk about bocce. I don't know what the right area is for a court, but I appreciate your advocacy for the sport.

>> Mayor Adler: Thank you.

>> Renteria: You know, that's probably the only ball that I could play there with my rotator cuff.

>> Mayor Adler: Let's hear from Julie marquis.

>> Can you add me to your email list? I'm over here. I'm lucky enough to have a bocce court, a small one on my apartment complex and I want to be on your email list.

>> Mayor Adler: Is Julie fleck here? Julie fleck? You'll be -- Jennifer fleck, I

[12:23:22 PM]

apologize, you'll be up next. Go ahead.

>> My name is Julie marquis and I live in district 10. I have been volunteering with cats at the Austin animal center since September 2018. I am speaking on behalf of myself, my fellow Austin animal center volunteers and other concerned citizens. At Austin animal center or aac, dogs are treated differently and require different outcomes than cats. Aren't cats' lives as important as dogs' lives in I believe they are. Except for trapped, neuter, release, or tnr, which applies only to feral cats, I believe cats and dogs should be treated equally. I request the following changes to the cat program at aat.

One: Notify approved rescue partners, not less than two days before an adult, non-feral cat is returned to the street through the shelter neuter return or snr program. This notification must be in

[12:24:23 PM]

verifiable written communication. Upon request from the heck partner, aac must give possession of the cat to the rescue partner.

Two: Keep all stray cats at aac for a minimum of three days, not including date of impalement.

Three: Remove a cat from the rnr program from live outcomes, use this to move away from returning cats to the streets unnecessarily.

Four: Stop putting cats under six months old back on the street as part of snr program. Snr is considered successful because it results in a high live outcome rate for cats, but returning a cat to the street should not be considered a successful outcome. Many of these cats are friendly, previously owned, indoor-only -- possible indoor-only cats who cannot fend for themselves outside. In 2018, 802 cats were returned to the street. Data from the center's own website shows that 67% of outdoor

[12:25:24 PM]

kittens will not live to five months of age, yet aac returned 82 kittens, five months old or younger in 2018. That is not acceptable. Aac is known as the nation's largest no-kill shelter. That and its 98% live outcome rate sound good. But Austin animal services are so focused on the quantity of live outcomes that it has lost sight of the quality of life of animals it is funded to serve and protect. Shelters come from all over the country to model their shelter program after Austin's. Therefore, Austin must improve its programs so that it and other shelters can be as successful and as humane as possible. We do support tnr for feral cats. Tnr is the right course of action for feral cats and we are glad our community supports tnr. Thank you for considering this request.

>> Mayor Adler: Thank you.

[12:26:25 PM]

Jennifer fleck. Is pat here? Pat Trelles? You'll be up next.

>> Thank you, council. Good afternoon. My name is Jennifer neck. I'm a local resident of Austin, Texas. I'm here to speak about another systemic failure to protect children and families. The official website which is up on the screen for the city of Austin shows the values, but that you value responsibility and accountability, that you value good ideas, that you value respect, and last, that you value maintaining trust and confidence in the public. With those stated values in mind, as it pertains to drag queen story hour, you heard earlier that a convicted male prostitute and drag queen known as his kitty litter was allowed to read to children in the Austin public library.

[12:27:25 PM]

At a minimum, this council should require that its employees and volunteers who engage children should submit to a background check. A background check would be a minimum criteria to satisfy your stated values for best service possible, responsibility, and respect to maintain trust and confidence. In addition, the drag queen story hour website says that drag queen story hour captures the imagination and play of the gender fluidity of childhood and gives kids glamorous, positive, and unabashedly queer role models. This is an unhealthy agenda that is destructive and confusing for young people today. It is harmful to purposely confuse children about their identity. This is neither glamorous or positive. Out of respect for this city and its citizens, I did not bring to post the pictures found on social

[12:28:27 PM]

media of the reader, miss kitty litter. They are lewd, sexual, per

-- perversion not healthy for a child. City libraries that promotes unhealthy confusion is surely not your best service possible, responsible, respectful, nor does it maintain trust and confidence. For the city to provide the public space paid for by our tax dollars is to wrongfully engage all of us in promoting an unsafe environment, an unhealthy and harmful conditioning. Please, stop sacrificing children, families, and communities on the altar of a liberal, Progressive agenda. In closing, I'd like to remind everybody listening and watching, districts 2, 4, 6, 7, and 10th 10 are up for reelection in 2020.

[12:29:31 PM]

I encourage anybody who cares about this city to run and take back Austin. Thank you.

[Applause]

>> Mayor Adler: Why don't you come on up. Is Daniel Haver here? You'll be up next, be at the podium. Go ahead. You have three minutes.

>> Thank you, Mayor and Councilmembers for the opportunity to speak. I want to start by expressing support for the four issues that Julie Marquis raised a little while ago about the shelter neuter return program. I hope in your discussion later about item 84 you'll consider postponing item 84 so those four issues can be part of the discussion as you look at a rewrite of nine sections of the city code.

>> Mayor Adler: Please introduce yourself, too.

>> I'm sorry?

>> Mayor Adler: Please introduce yourself, too, for the record. What's your name?

>> Oh. Pat valls-trelles.

[12:30:31 PM]

Usually you say my name and --

>> Mayor Adler: I know. I messed up.

>> I did too. I apologized. Anyway, the other issue that I'd like you to discuss as you consider the rewrite of nine sections of city code is spay-neuter and that's also the reason I'm requesting postponement. When you look at the nine sections of city code that you'll be revising this afternoon, there are some of us that think that spay-neuter is one of the important things to be reviewing and looking at possible opportunities to improve our spay-neuter program. I'd like to speak to the need for spay-neuter. On Saturday, September 14th, the emancipet spay-neuter van was at one of its locations in northeast Travis county in pflugerville. People lined up early. Some as early as 2:00 A.M., in order to get their dog or cat spade or neutered for free. After 30 dogs or cats were loaded

[12:31:32 PM]

into the van, 114 pets that were there to be spayed or neutered on that day were not able to get onto the van. Their owners were given vouchers but it will take them months to get into the emancipet bricks and mortar clinic. One woman arrived at 5:30 A.M. She had four large dogs. She wanted -- she waited several hours, only to learn she did not get in. We need more funding for spay-neuter. One way to get more funding is to revise the fee schedule for impounded the pets that are returned intact. Back in 2016 the fee schedule required a hundred-dollar Manhattan to her fee and a \$50 spay-neuter deposit when the pet was returned. I'd like to discuss that fee schedule and returning to charging \$150 and having that entire \$150 go towards paying for some of the vouchers that right

[12:32:32 PM]

now people get turned away and maybe getting them in much more quickly so that people who want to get their animals fixed can do so. I'd like to read the four sections of the code that I think you could use to address this. You will be amending 3-123 -- may I finish? Just read the four sections? 3-123, 3-125, 3-127, and 3-129. All three of those could work together to fix the spay-neuter funding problem.

>> Mayor Adler: Thank you. After Mr. Haver speaks -- yes, councilmember pool?

>> Pool: I just wanted to thank Ms. Valls-trelles and other supporters of animal advocates for being here today. Just to make the point, we are only taking the first step here and the additional items are up for review, and we're really looking forward to our new animal services officer, don bland,

[12:33:33 PM]

using this as an open door and an opportunity to work with folks in the community on all sides of the issues in order to make our -- all of our ordinances on mall ordinances animal services the best they can be. What we're bringing today is just the first step.

>> Mayor Adler: Okay. Is penny Adrian here? You'll be up next.

>> My name is Daniel haver, for the record. Thank you, Mr. Adler and councilmembers, for permitting me to share my thoughts and concerns regarding the very serious and extremely complex issue of homelessness in our city. I'm a proud Texan who grew up in Austin. Within the Austin community there are many of us who have remained generally silent as the city has continued on a path of progress for the good of the vast majority of the residents and business owners. However, it is time for the majority to speak out against the counterproductive path the city council has recently taken with respect to the homeless

[12:34:33 PM]

individuals in this city. It is not the government's duty, moral or otherwise, to solve all the ills of society. So when anyone speaks from a platform of altruistic idealism where there are no homeless, we're shocked to think this is something you actually believe is possible. Government intervention and open permissiveness of disorder have completelily tarnished the once beautiful destination cities of Portland, Seattle, L.A., and San Francisco. There are councils charities, ministries and assistance available to the poor, homeless and otherwise needy in Austin. Whether or not the homeless individuals choose to take advantage of these programs is up to them individually and personally. Permitting homeless individuals to camp in public not only does not address their conditions, it makes it easier for them to continue their decline. More over, laws which enable such dangerous behavior attract others who are on a similar track. According to a study from the L.A. Times, in 2006 when L.A.

[12:35:34 PM]

Loosened public camping restrictions, that's the year that marks the beginning of the current extreme homeless crisis in that city. I live in south Austin. Ann kitchen, I live in your district. In the past three years since you loosened public camping restrictions and tied the hands of the Austin police, the camp under 290 has grown extensively and turned into shanty town with furniture, mattresses, tents, open air

drug use and public sex. This change in policy may not have created the homeless crisis in Austin but it has made it much, much worse. In less than three months, the policy has already proven to be a failure as it has in other cities that have implemented similar policies. If you truly believe this change in policy is good for the city and what the citizens of Austin want, why don't you put it to a vote? Texas is not California. Texans will not stand quietly by as you put our city on such a regressive path. Remember who elected you and who you work for.

[12:36:34 PM]

As elected officials, your job is to implement the will of the people. Circumventing and ignoring the public to suit your own agenda is a violation of that trust. I ask that you reverse this regressive policy of permissiveness, properly fund the A.P.D. So they can enforce the law and do the job you were elected to do. Thank you.

[Applause]

>> Mayor Adler: And then the last speaker we have is Shelly Leibham. You'll be up next. Go ahead. You have three minutes. Introduce yourself, please.

>> Hello. My name is Penny Adrian and as a Christian taxpayer I would like to thank the council for having the moral courage to stand up for our most vulnerable neighbors. Thank you from the bottom of my heart. And I've seen how much push back you've gotten and I appreciate your courage. I also want to say that I'm grateful for the harm reduction

[12:37:35 PM]

offered by the new shelters opening up in Austin. But unfortunately, even with those new shelters, there will still be many -- many women sleeping on the streets waiting for shelter space. I know women who have been forced to return to the streets. This puts our homeless sisters at extreme risk. Sexual violence is a consistent and horrific part of our homeless sisters' lives and often led them to becoming homeless in the first place. Yet they have been completely left out of the national "Me two" conversation. Our homeless sisters are sitting ducks for both housed and hundred housed predators and rarely do we hear anyone express concern about them or their safety. The safety of poor homeless girls is every bit as important as the safety of middle class college

[12:38:37 PM]

girls. The tears of homeless mothers are every bit as important as the tears of middle class mothers whose children are safely housed. So I'm proposing an additional form of harm reduction for our

homeless sisters that could be implemented fairly quickly and affordably. Lily's place would be a secular, nonprofit program that could operate within donated church sanctuary space, providing safety shelter every night to homeless women who currently spend months in shelter waiting lists and years on housing waiting lists. Donated sanctuary space would also save the city millions of dollars on shelter space that could then be used to subsidize and create affordable housing. As a member of central presbyterian church, I would consider it an honor and a privilege to open our sanctuary space to our homeless sisters, including transgender sisters and sisters trapped in the sex trade.

[12:39:38 PM]

I think our sanctuary would be great because we have cushions on the pews, it's a very warm, welcoming space. Our church does not have the money to responsibly run this program ourselves, but we can afford to donate our nightly sanctuary space to our homeless sisters with program funding from the city. So please consider funding lily's place and please put in a good word for us with Laurie Harris. Thank you so much.

>> Mayor Adler: Thank you. And you've reached out to the new strategy officer; correct?

>> I don't have contact information yet.

>> Mayor Adler: We'll get that for you.

>> Thank you so much.

>> Mayor Adler: Okay. The last speaker we have is Shelly leibham.

>> Good afternoon. My name is Shelly leibham. I've lived in Austin over 20 years and I currently reside in district 1. My husband and I are both local business owners and I have been a very active cat volunteer at the Austin animal center since December of last year I'm there

[12:40:42 PM]

about 25, 40 hours a month. I'm here today because I used be the very proud to live in this city that is the largest no-kill shelter in the nation, until I understood what the shelter neuter release program for cats really means. This program applies to friendly, adoptable cats and kittens as young as three months. They are through a city contract with the humane society, neutered and spay-neuter spayed and released back to where they were found. It's not the same as the spay-neuter release program, it's a common misconception. For the realities of this program I think it's best illustrated to show you a video that I bought. It's of kittens that were brought in three months this summer to the shelter, immediately marked for this snr program. They were -- spayed and neutered and put back where they were found. The same day the sheriff's office returned the kit he knows after possible animal abuse abandonment. Had those kittens been in the shelter, never in that program,

[12:41:42 PM]

they would have been in a kennel that's locked, you have to wear gloves to interact with them, they couldn't be put in the floor. By the way, these kittens were taken out of that program and adopted. When I'm there, I'm constantly reminded of this program and realities of it. Just a couple nights ago a kitten found at mopac and slaughter at the Walgreens, four months old, completely socialized, put back in the program. Two-thirds of kittens won't make it, they're going to die of starvation, disease, killed by cars. People refer to this program as slow kill. But we are no kill, the best in the nation, 98%. 5% of that live outcome are these cats and kittens that we put back on the street to fend for themselves. I feel like we're better than that. We're the gold standard for no-kill shelters in this country, and I really feel that to do that, we need to fulfill our mission statement, which the

[12:42:42 PM]

center has defined as find forever homes for all adoptable animals. There's no asterisks that say except for cats that go through the snr program. So my request for you today is at a minimum to remove kittens six months and under from the program. Apa doesn't even allow cats that young in their barn program. Our standards should be at least equal to that. Thank you so much for your time. I appreciate it.

[Applause]

>> Mayor Adler: Anyone else here signed up for citizen communications that didn't get called? Okay. Council now is going to go into closed session to take up five items, pursuant to 551.074 of the government code. The city council will consider personnel matters related to items 110, 111, and 112, compensation and benefits for the city clerk, municipal court clerk, and the city auditor. We're going to pursuant to sections 551.071 of the government code, discuss legal matters related to item 147, which is the etj release

[12:43:47 PM]

question, pursuant to section 551.072 of the government code, we're going to discuss real estate matters related to red river street. Without objection we'll now go into executive session on the items announced. I would point out to the clerk that we withdrew item number 24, so it can come off. With that, it's 12:44. We'll go into executive session.

[Executive session]

[2:07:53 PM]

>> Mayor Adler: All right. I think we're back with a quorum. It continues to be September 19th. We were in closed session. We're now out. And in closed session we discussed personnel matters related to items 110, 111, 112, we did not discuss real estate matters related to item 142. We'll do that probably later this afternoon. That gets us here. Colleagues, there are things we can take up quickly before we get into the consent calendar. I'm going to call up item 78 -- 77, 78, 79, which are the personnel matters. With respect to item 77, the compensation and benefits for the city auditor, there's a blank in the resolution that's in backup. Is there someone that will make the motion to complete

[2:08:55 PM]

that blank and have an annual salary of \$171,288, and then move the balance of the resolution? Councilmember pool makes that motion. Is there a second? Councilmember alter seconds that motion. Any discussion in those in favor? Those opposed? Unanimous on the dais with councilmembers Casar and the mayor pro tem off the dais. Similarly, item number 78, is there a motion to approve that item filling in the blank for the compensation for the city clerk at \$146,203.20 and with the rest of the balance. Councilmember harper-madison makes the motion, councilmember Renteria seconds that. Any discussion in those in favor? Those opposed? Unanimous on the dais with councilmember Casar and the

[2:09:55 PM]

mayor pro tem off the dais. And then finally item number 79, is there a motion to complete the blank for compensation and benefits, annual salary for the municipal clerk, setting it at \$150,446.40. Councilmember Flannigan makes that motion. Is there a second to that motion? Councilmember pool seconds that. Any discussion? Mr. Flannigan.

>> Flannigan: I want to make sure we're going to be evaluating the compensation of the municipal court judges and so we'll be working on that through the judicial committee and try to respond to some of the concerns we've heard from our judges.

>> Mayor Adler: Great. And thank you for that. Any further discussion? Those in favor of this item 79 please raise your hand. Those opposed? Unanimous on the dais with the mayor pro tem off.

[2:10:55 PM]

And that's good. Do we have agreed language on the urban renewal board?

>> We do, but my hope is that you will bear with me as my staff brings that up.

>> Mayor Adler: We'll call that up later. Let's go ahead. The aafc agenda, I think we're postponing the whole thing. We're postponing the whole agenda; is that correct?

>> Yes, mayor, we can postpone until the October 3rd meeting.

>> Mayor Adler: Do you want to explain why or is there -- just not ready?

>> There are -- there's some elements of that that just aren't ready for us to consider yet.

>> Mayor Adler: Okay. Is there a need for us to -- do we have to postpone to a date certain or does that just show up on the next agenda?

>> We can postpone until October 3rd.

>> Mayor Adler: So I want to take us out of the city

[2:11:57 PM]

council meeting into the aafc meeting.

[See separate transcript for Austin Housing Finance Corporation meeting]

Now back into the city council meeting here at 2:13, still September 19, still in city council chambers at city hall. Do you want to take us through the consent zoning.

>> Alter: Will we take up 64 after that because consultants need to get on their flight.

>> Mayor Adler: We have several items, 64 included.

>> Alter: It's not the staff, it's the contractor.

>> Mayor Adler: Got it.

>> Item 113,, postponement request from the applicant to October 3. Related item 114, also

[2:14:59 PM]

applicant postponement until October 3. Another related case, 115, request for postponement until October 3. Item 116, this item I can offer for consent approval on second and third readings. Item 117 replaced by 152 on the agenda. I'll get to that.

>> Mayor Adler: I'm catching up. You began with 113?

>> 113, 114, 115 are all applicant requests to postpone until October 3. That just happened a few moments ago. 116 consent second and third. 117 is goods to be replaced by 152 and I'll get to that in a moment. Item 118, I understand councilmember kitchen wants to discuss that item and that will be pulled. 119, this is related to the

[2:16:00 PM]

first three cases. This also has an applicant postponement request to October 3. Item 120, this also has an applicant postponement request to October 3 and is related to the previous items. Item number 121, this has a postponement request by the applicant to October 3. Item number 122 has a postponement request to October 17. Item 123 has a postponement request to October 17. Item 124, this also has a postponement request by staff to October 17. Item 125, this is the taco pud. I understand this will be a discussion item.

>> Kitchen: I'm -- first reading only, right?

[2:17:00 PM]

>> First reading only.

>> Kitchen: I'm okay consent on first reading only. Item 126 is a discussion case. Item 127, I can offer this case for consent on all three readings. 128, I understand councilmember Flannigan would like to discuss this. Item 129, this has a staff postponement request to October 17. Item 130 has a staff postponement request to October 17. Item 131, I can offer this for consent on all three readings. 132, offer for consent

[2:18:01 PM]

approval on all three readings. Item 133, I can offer this for consent on all three readings. Item 134, a postponement request from the applicant to October 3 and there is a representative here from the applicant who refers the postponement date of October 17. Item 136, I understand councilmember Flannigan would like to discuss this item. Item 136, councilmember Flannigan would like to discuss this item. 137, that will be a short discussion item, mayor. There was an agreement

[2:19:03 PM]

reached this morning between the property owner and staff. Item 138, this has a staff postponement request to October 3. Item 152, I do have two things I need to read into the record and then we can offer for consent on third reading. The first is that additional conditions are that when the property is redeveloped with the use permitted under multi-family residence, mf-4, vehicular access from tract 2 to Theresa will be limited to ingress only. And two, when the property is redeveloped with the use permitted under multi-family residence, high density, vehicular access along the east boundary is prohibited except emergency vehicles only.

>> Kitchen: Mayor, I'm

[2:20:04 PM]

sorry, what did you say about 126?

>> 126, I have that one for discussion. I would also like to jump to the postponement for the annexation that's related to a postponement zoning case.

>> Mayor Adler: Okay. So the consent agenda on consent are items 113 through 138, and also item number 152. The items that I'm showing being pulled in that group are items 118, 128 -- 117 obviously is withdrawn. The ones pulled are 118, 128, 134, 135, 136 and 137.

>> We also have 126.

>> Mayor Adler: And number 126.

[2:21:10 PM]

Again, 118, 126, 128, 134, 135, 136 and 137. The others remaining on consent. Is there a motion?

>> Pool: I have a question.

>> Mayor Adler: Councilmember pool.

>> Pool: Items 113, 114, 115 are related to Riverside.

>> Correct.

>> Pool: And is there another one?

>> Mayor Adler: 119, 120.

>> Pool: So the applicant has asked for postponement until the next meeting, October 3, is that correct?

>> Yes.

>> Mayor Adler: Yes, councilmember harper-madison.

>> Harper-madison: I won't be in town on October 3, I'll be gone from 29th of September through the 6th of October in which case I have concerns about not be present to deliberate. I would ask we not postpone the item or that we postpone it to the following meeting.

>> The applicant is the one requesting postponement. He's okay with October 17.

[2:22:11 PM]

>> Mayor Adler: Is everybody okay with October 17?

>> We change 113, 114, 115, 119, 120 to October 17 from October 3.

>> Mayor Adler: Hang on a second. Okay. All right. Is there a motion to approve the consent agenda?

>> Casar: For 122, that's on postponement on consent.

>> 122, yes.

>> Casar: But that's the one I think we talked about at work session having a couple folks show up and explain what they anticipate to happen between here and it coming back so that -- it's not just happening in a vacuum. I plan on voting to postpone, but we wanted to give a couple people --

>> Mayor Adler: We'll let

them do that in a second. >> Casar: On the consent agenda.

>> Mayor Adler: Correct. Just a second. We're going to recognize

[2:23:12 PM]

them.

>> Casar: Actually looks like, Mr. Henderson, you have comments on that point? Looks like you were sprinting up here.

>> Councilmembers, I believe that there are individuals that may be coming down, tenants that may be coming down to speak. We don't know what time on this item. It could be later this evening. They are not here currently. I just spoke with their legal representative and he's not sure when they are coming down.

>> Casar: Is there a wait to postpone and then let folks talk? On consent and have a couple people pipe up if they make it in time.

>> Very good. Thank you.

>> Casar: I'm okay with postponing the big case on Riverside. I just know that at some point we're also trying to wrap that up and it's gone through three readings. I just wanted to float with my colleagues I'm fine voting today unless we think there's going to be significant enough change after a month, but people

[2:24:15 PM]

can say as they want. I just don't know what the -- again, I don't know what the postponement is for and I know that it's -- it's up to folks how they want to handle it.

>> [Inaudible]

>> Mayor Adler: The applicant can come up and tell us why it's being postponed or not. The question has been asked on the dais. Of the applicant. We went ahead and have reached agreement with habitat on the relocation amendment, so we've had to modify the relocation and restrictive covenant. I don't have those signatures. We'll get them in a day or two, but in all fairness I felt like I had to have all signatures ready to file the document.

>> Mayor Adler: Okay. I'm not sure I've gotten a

[2:25:15 PM]

motion to approve the consent agenda. Is there a motion to approve the consent agenda?
Councilmember kitchen makes the motion. Is there a second?

>> I have one more I can add. The neighborhood is now okay with the postponement on 134 to October 3.

>> Mayor Adler: So 134 is postponed until October 3. I still don't have a motion yet.

>> Kitchen: I thought I made the motion.

>> Mayor Adler: You did and you seconded.

>> Kitchen: On 126, I think -- I think it's ready to go on consent but we may have speakers. Can they -- I'm not sure. I wanted to double-check that.

>> Mayor Adler: We have no speakers signed up on 126.

>> Kitchen: No worries then.

>> Mayor Adler: But it is being pulled.

>> We anticipated being speakers, there are none so

[2:26:15 PM]

we could offer that for consent approval.

>> Mayor Adler: I had listed it as a pulled item but will put 126 back on the consent agenda.

>> On first reading only.

>> Mayor Adler: First reading only. So the pulled items again are 118, 128, 134, 135, 136, 137. Those are the pulled items.

>> Kitchen: I'm sorry, wait a minute.

>> Mayor Adler: I'm sorry, 118, 128, 134, 135, 136, 137. Six of them are being pulled.

>> Kitchen: Mayor? I think I misspoke a minute ago and apologize. It's 125 is the one that is set for first reading.

>> 125 is the taco pud,

[2:27:17 PM]

first reading.

>> Kitchen: There are seven speakers.

>> Kitchen: And then 126 is pulled for discussion.

>> We don't have anyone signed up.

>> Mayor Adler: 125 pulled for speakers, 126 has been pulled by councilmember kitchen. We now have one, two, three, four, five, six, seven, eight being pulled. Councilmember Flannigan.

>> Flannigan: Didn't we hear 124 is postponed.

>> Mayor Adler: Now we're down to seven. Further discussion?

>> Tovo: I just wanted the record to reflect I'm recusing on 132 and filed an affidavit with the clerk. I have a -- recusing. I have an ownership interest

[2:28:17 PM]

in the entity that owns property in the immediate surrounding to this one.

>> Mayor Adler: Okay.

>> Alter: Can you just repeat which ones are discussion? I'm a little confused.

>> Mayor Adler: The ones I'm showing being pulled and being discussed are 118, 125, 126, 128, 135, 136, 137. I'm also showing two people signed up on number 131. That would pull 131 for speakers.

[2:29:19 PM]

131 pulled for speakers. Okay. It's been moved and seconded. Any discussion on the consent agenda? Those in favor please raise your hand. Those opposed.

>> If we could quickly before we forget, item 30 is the annexation case related to 121. We just postponed --

>> Mayor Adler: Is there any objection to postponing item number 30 until October 3rd?

>> It's item 39.

>> Mayor Adler: Item 39. Any objection to postponing item 39 until October 3? Hearing no objection, that item is postponed. Okay.

>> The planning ones, we can postpone 106, the uno amendment. Staff is recommending postponement to October 3.

[2:30:25 PM]

>> Mayor Adler: The public hearings are 91 through 108 and also item 151. So say that again. Item number which?

>> I believe it's 100, the uno item. That would be staff postponement to October 3. Item 105, the food truck item, staff is requesting postponement. And the requester of the annexation is requesting a postponement of that one to October 3 as well.

>> Mayor Adler: Okay.

>> Mayor Adler: Any objection to postponing those three items to October 3? I don't think anybody signed up to speak on those items. We have two citizens waiting to speak on item number 100.

>> Mayor, just -- 105 was November 14, not the 3rd.

>> Mayor Adler: November 14 is what I heard

[2:31:25 PM]

you say. We have two people signed up on the uno matter. Do you want to speak today or speak when it's postponed to come up October 3rd? I have two people signed up. Stewart Hirsch and Rylan mcsue. Now or then?

>> Thank you, mayor, members of the council. Stu from district 2. I support the code amendments to the university neighborhood overlay proposed by central Austin neighborhood stakeholders, including students, neighborhood associations, for-profit housing developers, cooperatives and others who work together with C.A.N. Pack and city staff to present their proposal to planning commission and to you. Apparently on October 3rd. I don't support the proposed planning commission amendments that could increase the number of affordable housing units beyond the C.A.N. Pack proposal because uno has

[2:32:25 PM]

proven to work because of its unique approach to market conditions in stakeholder concerns. Uno will continue to require if these amendments are adopted 40 years of affordability, an additional 10% affordability for 50% median family income households. A mandatory 10% on site affordability for certain height increases. Affordability that can be calculated by the apartment or by the bedroom, and income restrictions and maximum rents aligning with the annually published charts by the Texas department of housing and community affairs based on market conditions in the Austin area. Renters who double up in bedrooms can achieve even lower rents and since 2004 uno has produced steeper levels of affordability and longer term affordability that is required in any other neighborhood with an adopted neighborhood plan. So I recognize you are not going to take this item up

[2:33:26 PM]

for action, but I want to highlight for you uno has done what no other neighborhood planning area has done and the stakeholders have worked together vigorously attempting to reach consent in 2004, in 2009, and again in this process. So I want to commend the people who have been doing the hard work and recognize what they came up with may not maximize affordability, but it does represent a significant balancing act that we achieve nowhere else in town. I want to thank them for their efforts.

-- Affordability. Thank you very much.

>> Mayor Adler: Okay. Thank you. Someone else signed up. Ryan mcsue. Do you want to speak now or wait until it's postponed? He's not here. So item number 100, is there any objection to postponing item number 100 until October 3rd?

[2:34:26 PM]

Hearing none, that item is postponed. Item number 105, any objection to postponing that item to 11-14? I don't think we have anybody signed up for that. No objection, that item postponed to 11-14. Item number 151, any objection to postponing that item until October 3? No one signed up to speak. Hearing none, that item is postponed.

>> Mayor, on item number 131, which you pulled because there were two speakers who signed up against and several more, the applicant is now requesting postponement of that item.

>> Mayor Adler: Two people signed up to speak on item number 131. That would be Rosie Torres and Michelle Sides or Syes.

[2:35:27 PM]

Are they here? Are you okay with this being postponed? It sounds like the applicant wants to talk to you now.

>> [Inaudible]

>> Mayor Adler: I'm sorry?

>> [No microphone on]

>> Mayor Adler: So this is the first request for postponement. Is that true, Jerry?

>> Yes.

>> Mayor Adler: Under our rules, through our policies, they are entitled to the postponement. But you are here so if you would like to speak on this issue now as opposed to speaking on October 3, I'll give you that chance to do that.

>> Kitchen: Mayor, I'm sorry, which number are you talking about?

>> Mayor Adler: This is item 131.

>> Mayor?

>> Kitchen: Okay.

>> Tovo: This is different from what we usually do. I know that typically we honor a -- typically we honor a request for postponement but we vote on it and usually

[2:36:29 PM]

allow -- when people speak, we allow them to speak on the merits of the postponement rather than the merits of the case. I'm just trying to get straight on that.

>> Mayor Adler: What I -- so what I don't want the person -- what I don't want her to do is speak to the postponement and lose the postponement because we normally grant those and lose the opportunity to speaker on the merits. That's what I was trying to do.

>> Tovo: They don't usually. They usually have another opportunity. In the past when they've -- after we've resolved the postponement question, we allow them to speak on the merits if we don't postpone it.

>> Mayor Adler: And she could here too. So you can speak on the postponement question. We're going to pull 131. We're going to keep it pulled and then we'll talk about the postponement in a moment. We'll come back to you.

>> Kitchen: Mayor?

>> Mayor Adler: Yes.

>> Kitchen: I'm sorry, this is in my district, 131, and I just wanted to assure her that we would like -- my

[2:37:31 PM]

office will come down and speak with you also after we go forward. And I expect to go forward with the postponement on this because it is a request of the applicant and we usually honor that and I will support that request for a postponement. But I want you to know that my office would like to visit with you about it and they will be coming down.

>> Mayor Adler: Right now 131 is pulled. I am still working through the public hearing section that we have. Public hearing on energy rates, item 98, we have one person signed up to speak, Mr. Peña. Mr. Peña, are you here? Is there a motion to approve 98 and close the public hearing? Councilmember pool makes the motion. Is there a second to the

[2:38:31 PM]

motion? Councilmember Ellis seconds. Any discussion? Those in favor? Those opposed in unanimously approved. That was 98. Number 99 has been withdrawn. Number 101, is there a motion, this is the dove springs issue. No one -- and 100 was postponed. 101, no one has signed up to speak. Is there a motion to approve item 101 and close the public hearing? The mayor pro tem. Is there a second? Councilmember alter seconds that. Discussion? Would you like to speak? Did you need to speak? Okay. Those in favor of 101,

[2:39:32 PM]

please raise your hand. Do you want to speak?

>> This is a chapter 26 hearing for both 101 and 102. We typically read into the record there was no other feasible alternative to taking the parkland.

>> Mayor Adler: I think you just did that.

>> And I did. I just wanted to do that for the record because we typically do that.

>> Mayor Adler: That was good. Thanks for stopping us. A motion to approve 101 and 102? Mayor pro tem. Councilmember alter seconds. Discussion? Those in favor please raise your hand. Those opposed? Unanimous on the dais. 101 and 102 passed. Item 103 is the land development standards for ISDs. No one signed up to speak. Is there a motion to approve item 103? Councilmember alter seconded by the mayor pro tem. Any discussion.

>> Tovo: I would ask staff

[2:40:33 PM]

to think about language and I'm not sure if any exists -- I'm sorry, this is I think the item that we have been discussing.

>> Yes. Donna with development services department. Yes, it is, and there is somebody here representing Austin independent school district who would like to speak to the bond items 201 and 2018 if you would like for them to come up.

>> Tovo: Sure. Thank you. I just want to get on the record what the Ila would refer to and what it will not refer to.

>> Hello, Leah representing Austin independent school district. I think the clarification that you are looking for is the only planned construction and expansion projects that the school district has right now are related to a very, very small amount of the 2013 bond dollars, and then primarily the billion dollars bond passed in 2017. There are no other expansions or construction projects planned and so that

[2:41:34 PM]

is why they've asked for a five-year extension is just to apply to those projects. There's not any other projects that they would proceed other than something like an emergency.

>> Tovo: Right. So it's your representation that this will apply only to those projects within the bond, within the bond programs that have already passed as well as any emergency issues that come up on an existing campus.

>> Right. These would only apply to bond program projects.

>> Tovo: Okay. Thank you.

>> Or projects funded with bond money.

>> Tovo: Okay. Thank you. I think that satisfies the concern I had.

>> Mayor Adler: Item 103 has been moved and seconded. Those in favor please raise your hand. Those opposed? 103 passes unanimously. The public hearing is closed. Item 104, standards for other ISDs. Someone make the motion to approve and close the public hearing.

[2:42:35 PM]

Councilmember alter, councilmember pool seconds. Any discussion? Those in favor please raise your hand. Those opposed? Passes unanimously. Item 104. Now we'll do item 106. No one here to testify. We're now going to take up 106 to conduct the second and last of two public hearings to receive comments on the proposed property tax rate of 44.31 cents per 100 valuation for fiscal year 2019-2020. The actual property tax rate will be adopted in city council chambers on September 25, 2019, at 2:00 P.M. Does anyone wish to speak on this item? I have no one signed up. No one answering in the affirmative is there a motion to close the second and final public hearing on the city's proposed property tax rate? Councilmember Renteria makes the motion, seconded by the mayor pro tem. It's been moved and seconded.

[2:43:36 PM]

Those in favor please raise your hand. Those opposed? It's unanimous on the dais. And this final public hearing on the proposed property tax rate is closed. Council will vote to adopt the actual approximate rate for fiscal year 2019-2020 on November 5 at 2:00 P.M. In these chambers, 301 west second street in Austin, Texas. That takes care of item 106. Item number 107, 4% tax credit project. There is --

[buzzer sounding]

-- One person signed up to speak. Mr. Peña, are you here? Gus Peña? He's not here. That gets us to items 107 and 108, which are both 4% tax credit properties. Do you need anything read into the record?

>> Just to let you know we do have representatives of the developer here.

[2:44:38 PM]

This is 300-unit multi-family housing, multi housing LLC.

>> Mayor Adler: Is there a motion to approve 107 and 108? Mayor pro tem makes the motion, councilmember Ellis seconds. Any discussion?

>> Mayor?

>> Mayor Adler: Hang on a second. Did you need to say something?

>> No, no.

>> Mayor Adler: Moved and seconded.

>> Ellis: I just had direction so I want 20 to speak to it. I want to thank nhcd of D and planning staff for information they provided. The affordable housing we are set to pass in 107 is one of several to have come before council recently located in our extraterritorial jurisdiction. In this case the proposed housing is in a donut hole of etj fully surrounded by district 2. Future tenants will likely be unaware they don't have the same rights like, you know, voting for

[2:45:39 PM]

councilmembers or protections handled by the code department since they are in the etj and not the city of Austin. So we want to make sure that people are, you know, aware of this. But I really wanted to ask and I don't think this needs to be formalized, but my direction would be to ask for in the backup to have a standardized map so that we can see its approximate location in the city or right outside the city undaries. The developer's application to the city, it's my understanding that these are already on file and just might be able to help us make informed decisions about these. And a table of the tenants eligibility for key governmental services such as ACC in-district tuition, Austin code protection, based on the proposed development's location. So I'm supporting this item. I support affordable housing, I just want to make sure we have all the information possible as we make decisions on these. So if you could provide

[2:46:40 PM]

these in backup, it would be helpful for me.

>> Thank you very much and direction noted. And we did, per your question through Q and a we provided the information on this particular property and thank you to the planning and zoning jurisdictions team for pulling all that information together. The table that shows the various levels of services provided to folks who live in full-purpose versus limited-purpose versus extraterritorial jurisdiction. So I appreciate.

>> Ellis: And I also appreciate the developers wanting to participate.

>> And again, they are here if there are questions about the development.

>> Casar: Is the motion on 107 or 108?

>> Mayor Adler: It was combined.

>> I'm sorry, I believe 108 has been postponed till October 3.

>> Casar: Or will be.

>> Mayor Adler: We haven't done that yet.

>> This should just be 107.

>> Mayor Adler: Thank you. So we'll correct that. This is a motion just on

[2:47:41 PM]

107. Those in favor please raise your hand? Those opposed? 107 passes. 108 is being postponed till when?

>> October 3.

>> Mayor Adler: Any objection to postponing item 108 to October 3?

>> Casar: No objection. Just comments. This is proposed rehabilitation and affordable housing in district 4. My staff have met with the company related along with tenants groups, there are multiple tenants groups in 3 and 4 that reside at properties owned by or operated by related which is this group that have raised real concerns with them. I'm asking that in two weeks when we hear the private activity bonds and this item that there should be conversations between those folks and this will be before tdhca also and I hope as many of those issues can get resolved between here

[2:48:42 PM]

and it coming back because we need affordable housing, but we obviously need to pay attention to how the people the affordable housing is serving are treated and how they are doing. And so I hope and expect that related and have conversations the coming weeks.

>> Thank you.

>> Mayor Adler: Okay. Let's take a vote on number 108 postponement until later in October. October 3rd. Those in favor please raise your hand. Those opposed? It's postponed until October 3rd. I think that takes us through -- there's one more. Item number 152. Are we read to take action

[2:49:43 PM]

on that? It's related to 117. 152 is west sixth street. And that's withdrawn. Oh, it was a zoning case. I'm sorry, we already took care of 152. That wasn't a public hearing. The public hearing was actually 151. And there's a request that we postpone that until October 3rd. Any objection to postponing 151 until October 3rd? No one signed up to speak. Hearing none, that is postponed until October 3rd. Councilmember alter. There was something that you needed to bring up because we are going to lose some consultants.

>> Alter: Thank you. I wanted to bring up item

[2:50:47 PM]

64. I want to first of all thank staff for working hard to get these questions back to us on a short time line and for all their work on this contract. I know it's taken a long time to get to this point and really appreciate your efforts. I'd like to have you clarify a few things. My first question I think is going to be for the contractor. And I'll kind of be switching back and forth so I'm not sure who is supposed to come up for that. Good afternoon and thank you for making yourself available to talk to us about the general points of the contract. I'd like to start by noting that I signed a nda, I read through the contract so I'm not going to be able to speak to certain specifics, but I did ask questions through the Q and a and I

[2:51:47 PM]

would like to clarify some of the answers so that we can address some concerns we've been hearing from the community. So my first question was about the focus group's setup for the interviews. I want to thank staff for ensuring there will be multiple ways for detectives and others to provide input. My main concern is the folks who wish to opt out of the focus group and making sure they are able to remain anonymous, particularly the detectives of the sex crimes unit. So my question for the project team is, is it possible to ensure that the detectives all receive one-on-one interviews instead of having to opt out of a focus group which could make them easily identifiable?

>> Absolutely, yes. I'm Rachel from the police executive research forum. Yes, we would certainly offer that as option for anyone who wanted to or would feel more comfortable speaking one on one in the interviews. That's certainly something we can do. And we also will provide our contact information to all

[2:52:49 PM]

the interviewees so if they would like to reach out to us at a later date, they can certainly contact us by email or phone.

>> Alter: My question was slightly different. I don't want them to have to identify themselves if they want to be spoken with individually. I just want to make sure that you will just speak with the detectives individually from the get go since there are not that many rather than having them together in a focus group so that there's no worry about having to be seen as requesting to go separately.

>> Yes, absolutely we can interview them separately.

>> Alter: Okay. Thank you. And my next question is for staff, sorry if I go back and forth. In order for this to be successful and for us to transform our system into one that is truly responsive to the survivors, it's important that the community be involved throughout the process. I appreciate the commitment to creating a mechanism by which the community can provide feedback and I want to ensure there's a way for folks to share their

[2:53:50 PM]

thoughts with the project team. Additionally I know this is a long project and the team is expected to review a large number of cases. It's important council and commissioners receive updates throughout the evaluation. I'm pleased to see there's a six-month update coming through in the memo -- in memo forum mentioned in the Q and a response as well as mid-point presentation to council conducted by the project team. I do think it's important for someone from the project team to deliver an interim update to commissioners where they can ask questions and give feedback. I would like to ask that be included. My question is regarding updates to the commissioners, what will be the process for delivering an update if and when you receive a request from the commissioners? Sorry, there's a lot of people who made this happen so I appreciate it.

>> Ray, assistant city

[2:54:52 PM]

manager. We can work to work on the periodic basis and when they have an interest on a particular area to provide a briefing.

>> Alter: Okay. Will there be an opportunity for the project team to provide an update outside the mid point briefing if requested by council?

>> We could certainly work with the team to see what logistics might be required in order to make that happen.

>> Alter: Okay. Thank you. I appreciate the project team's commitment that's going to be for the project team, sorry. I appreciate the project team's commitment to making sure the diversity of the community is reflected in team members. In the Q and a you mentioned you will be subcontracting with other consultants. Do you have ideas of organizations you will be subcontracting with?

>> So as of now we don't have anyone specific in mind. We'll be working with the city manager's office to identify people that we may be able to contract with to ensure that we do have a

[2:55:54 PM]

diverse array of perspectives on the team. So that's something we'll identify throughout the course of the project.

>> Alter: Thank you. I would like to suggest when you look for these new organizations that you look for some local organizations and you also consider some staff that is bilingual. You know, when these one-on-one interviews occur with survivors, it's important to have native speakers where possible to make sure that things don't really get lost in translation, and it also eliminates the need for folks to tell their story multiple times in effect and having that translation process in there can enhance the trauma of doing it again. I also want to speak to the project staff about a general concern that we've had in the community and that I share in seeing that it's a law enforcement organization -- or law enforcement focus organization that's going to be the lead organization in this evaluation of the

[2:56:54 PM]

Austin police. With that said, I do believe we're on a better path with inclusion of the centers for women and the womens law project who created the well known Philadelphia model and worked to successfully expand the federal definition of rape to be more inclusive of the traumas of women and men. I appreciate the information you shared about the way you will be, would go together to create the best product, but I would like to ask you to speak more about the working history between the three entities and the roles each of the organizations will play in the process.

>> Good afternoon, Terry fromson with the womens law project. I can guarantee this is going to be a collaboration in every sense of the word. With a shared vision of -- what we will be trying to accomplish in this project to review all the materials that we've been asked to review to achieve

[2:57:55 PM]

improvement in the law enforcement response to sex crimes here. The womens law project has a long history of working with the police research forum beginning in 2011 when they joined forces with us to change the FBI definition of rape. We have since then worked on several projects together that involved very similar work to what you are asking us to do in this project. We've done case reviews, we've done policy reviews. We share an approach of critically reviewing everything we're doing with the objective of making things better. So I -- I don't view perf as a police entity. They have worked with us successfully in

a number of -- reviewing procedures and cases in a number of jurisdictions, and I have confidence in their work in this area. Excuse me.

[2:58:55 PM]

>> Alter:

>> Alter: Thank you for sharing your comments on that. I think it's just important for folks who are not able to read through the contract and see all the resumes and see what you all are bringing to the table to have a better sense of the combination that we are contracting with. So thank you. Mayor, I have a motion and some other talking points, but I don't know if other folks have any questions for staff or the project leads at this time.

>> Mayor Adler: Why don't you go ahead and make your motion.

>> Alter: I'd like to move passage of item 64.

>> Mayor Adler: It's been moved. Is there a second to that motion? Councilmember Ellis seconds that motion. Does anybody else want to speak on it before we let councilmember alter continue? The floor is yours.

>> Alter: Thank you. So I really appreciate -- you guys can sit down.

>> Mayor Adler: And councilmember alter, there are also two speakers as well.

>> Alter: Okay. Maybe we should have the speakers before I speak.

>> Mayor Adler: Do you want to do that? We have two people.

[2:59:55 PM]

Is Amanda Louis here? Is Neva Hernandez here? You will be up next.

>> Hi. My name is Amanda Lewis and I'm the d-4 appointee to the commission of women and the co-founder of the survivor justice project. And I'm speaking in support of the execution of this contract. Thank you, councilmember alter, for making sure that this is a process that is transparent, thank you for your diligence and your commitments. And thank you, councilmembers, Greg Casar, Delia Garza, Ann kitchen, mayor pro tem Garza and mayor Adler for your co-sponsoring this item in January. I just wanted to remind us why we're here. I think it's important not to forget that behind this issue has been a lot of

[3:00:56 PM]

issues unique to Austin but not so unique, but a lot that we have our work cut out for us from backlogs to mishandling of rape kits to misclassifying cases. There's a lot here and it's important that we meet again to understand the problem before we look for a solution so this evaluation gets us to the heart of trying to understand those issues. I think it's also important to understand that behind sexual assault is an issue of power and oppression. And what I will tell you and what other cities have found when they've done this evaluation of sex crimes is that behind all the backlog kits, behind the suspended cases is a lot of poor black and brown women. So it's important that this project team be committed to understanding equity and oppression, be committed to

[3:01:56 PM]

making sure that that is throughout the entire process of the evaluation when it comes to natural translation, making sure that whoever is interviewed is interviewed by someone that looks and sounds like them. And I hope that's going to be a core part of this evaluation. I also think it's important to acknowledge, if it hasn't been said, that only a small percentage report to law enforcement. So while this is a part of that nine percent is because of the inaction by our systems, be just to know that this evaluation is part of a larger conversation about justice, accountability and healing for sexual assault in Austin. So I look forward to continuing that larger conversation and seeing how this project team is going to be connecting with the larger community, not just in the truth telling and truth seeking component, but

[3:02:57 PM]

throughout implementation and evaluation of ongoing cases for sexual violence. Thank you?

>> Mayor Adler: Ms. Hernandez.

>> First let me say thank you to the council for the resolution that's ruled in this item. I'm co-chair of the austin-travis county sexual assault response and resource team. I'm also councilwoman page Ellis' appointee to the commission. I am here speaking for myself and as an advocate for victims. Councilmember alter's office asks in place of focus groups, individuals for detectives, interviews for detectives of the sex crimes unit, is it possible for the

[3:03:58 PM]

project team to conduct one on one interviews? The city manager's office responds that they will work with the consultants to make sure interviewees will have the opportunity to provide feedback in any format they feel comfortable. I know councilmember alter has already brought this to their attention, but I would like to reiterate and urge the council and the contractors to consider the impact of any focus

group interviews on law enforcement. First of all, confidentiality is impossible in a group setting. Second, I believe that if some law enforcement officers get interviewed in groups and others get interviewed individually, there will be an implication that those who requested a private interview or even just had one, whether they requested it or not, that they had something to say that they didn't want the other law enforcement officers to hear. For this reason I believe

[3:04:59 PM]

that each detective should be interviewed individually, otherwise the door is opened for retaliation. I believe also that that format, focus groups for detectives, will hinder the execution of the full spirit of the city council's original resolution. I know that council wants good information so that this is a true evaluation that makes Austin a model for other cities struggling with the same issue. Providing our detectives with the space to speak freely and alone is central to that outcome. Thank you.

>> Mayor Adler: Thank you. Councilmember alter, we're back up to the dais.

>> Alter: Thank you. Thank you to the speakers for joining us this afternoon. I want to thank the folks who helped move this process forward. There was a lot that has happened to get us to January and then to get us to here to help us understand the why behind the issues we've had with

[3:06:00 PM]

respect to sexual assault in our community. I would like to make sure that are once again we are highlighting the need to focus on any instances of gender and racial bias and I'm hopeful that the project team will approach this through those lenses. I am optimistic that we will end up with clear recommendations for transforming our system to be survivor focused. In the months leading up to the January resolution, which spurred the creation of this contract, we heard from and listened to and collaborated with survivors, advocates and law enforcement to create a mechanism that would allow us to take a deeper look into the causes and biases behind Austin's problems with delivering justice and healing to sexual assault survivors. I would like to thank all of those, the advocates, all of those who engage with us, my colleagues on the council, but I would like us to reflect back to that night in January when we voted on this and the survivors and the community members came forward and shared their stories with us.

[3:07:00 PM]

They shared traumas that so many of us have not experienced and helped us to begin to understand. Those stories shake us, they stay with us and they remind us why we must do better as a community in responding to sexual assault and preventing sexual assault. I've been in contact with staff since the

execution of the resolution and I would really like to thank them for their hard work to try to capture the spirit of the resolution as part of the contract and to work as directed by council with the commission on women and the public safety commission in setting up the contract. Those advocates were invaluable through this process and I want to thank them for being our north star through this. Through the creation of this contract we have ensured that there will be multiple touch points throughout the course of the evaluation where the council and commissions will be able to request and receive updates as well as provide feedback. It is our ultimate goal to

[3:08:00 PM]

create an evaluation that brings forward the best, most transparent process and product to our community. And to create a better system for survivors. We are starting on a better path. In the recent budget we increased resources to the sex crimes unit, which has been historically underresourced. This evaluation will help us identify other areas where we can grow and improve and it will help us approach each case in a trauma-informed victim-centered way that ensures due process and delivers justice for survivors. As I noted back in January, we will not be judged merely on our good intent and on the completion of this evaluation. But we'll be judged by what we do with the information that comes from it. I look forward to the serious commencement of this work and I encourage the community to remain engaged throughout this process. Thank you.

>> Mayor Adler: This item has been moved and seconded. Further discussion? Those in favor please raise your hand? Those opposed? This item, 64, passes.

[3:09:01 PM]

Thank you. Let's call up item number 149. We're going to lose staff on that. This is the music center. I've handed out the latest version of this T contains some -- I appreciate my colleagues going to staff to raise them. I move passage of item number 149. Is there a second to that? Mayor pro tem seconds. Any discussion? Councilmember tovo.

>> Tovo: Yeah, I had a couple of questions about this. Mayor, thanks for bringing this forward. I want to be sure I'm understanding what the intent is here. So the -- I had asked a question in the Q and a about the extent to which our cultural arts funding is currently going to music and according to the answer I got back, it's ranged from 20% in 2015 to 23% and is

[3:10:02 PM]

pretty table around 22%. So as I understand this measure it would take the additional increment that would otherwise go to cultural arts more generally and apply it all to music only.

>> Mayor Adler: For the last two percent, that's correct.

>> Tovo: Can you talk me through -- given that the music is already a good balance of the cultural arts funding, why would we want to restrict the cultural hearts funding to just music?

>> Mayor Adler: This cultural arts funding now that we have in the city primarily goes to non-profit organizations as part of the cultural arts fund, it and competes in that area and it's, as you pointed out, you know, a part of, but a minority portion of that. There's a dispute in the community in the last 20 years over whether that money should stay with non-profit organizations or whether it should support the other part of the music that is so important to the

[3:11:04 PM]

culture here in our city. That was debated involving the arts commission and the music commission at the time that the recommendation was coming to us as part of the tourist -- tourism task force that was put together. This was the compromise that the arts mission, the music commission and the other stakeholders came to that I think is a very good one. I think it recognizes the priorities in the community. And this money here for just last two percent, it's the increment on the last two percent, is just available to folks that are not funded through the cultural arts fund.

>> Tovo: Okay. So I think I need help teasing out a few of these things. I mean, the cultural arts are broad enough that, you know, I'm not sure that I would say music is a minority of that. I mean, it is a portion of

[3:12:05 PM]

it and I assume visual arts -- we didn't ask for the same break down, but within the cultural arts we have visual arts, dance arts, there are multiple cultural arts, so 22% of that budget seems a pretty healthy balance because it is really intended to support the cultural arts in Austin. I want to understand from my attorney what is causing the restriction -- so mayor, as you're saying, it's -- the cultural arts funding currently can only go to non-profit organizations in every category of cultural arts?

>> Mayor Adler: My understanding is not to award the cultural arts understanding to the entities that are integral to the cultural arts in the city. We also have some people in the public to speak as well.

>> Tovo: Are you talking about for-profit. Are you talking about --

>> Mayor Adler: Yes.

[3:13:05 PM]

Yes.

>> Tovo: It's currently not going to -- to music entities that are not non-profit. Don't fall into the category of non-profit.

>> Mayor Adler: Lela, do you want to speak to that.

>> Lela fire side for the law department. That is currently how this program is set up, similar to the way that the historic preservation program was originally set up, and that was -- that's the framework that has been used by staff.

>> Tovo: But that is just -- that's just an act of council to change it, right? I mean, we could just eliminate that -- we could eliminate the requirement for them to be a non-profit organization. Is it in the state statute? Is it a local ordinance or in the state statute?

>> It's a local ordinance. I think that it was my understanding from the mayor that the intent of this was to create a pot that was a little different to allow

[3:14:05 PM]

people to compete with that without taking away from the funding that is already very competitive for the non-profits.

>> Tovo: So that may answer one of my other questions. The passage about the three percent will be allocated to the fund for it live music that meets the requirements and that is not funded through the cultural arts fund. So how will -- I mean, does that mean if they've gotten a grant in that first 15% they can't compete in the second? Or is there a different distinction that's going to be made? Is it saying that only -- that if they are a non-profit they can compete for the first 15% if they are -- if they are a venue that is not a non-profit, they are eligible and they are only -- only they are eligible for that additional

[3:15:06 PM]

increment.

>> It's my understanding from the mayor that the intent of this is to focus these particular funds on commercial music.

>> Tovo: Okay. So non-profit music groups wouldn't be eligible for this increment, just commercial music.

>> That's my understanding.

>> Tovo: But I guess because this is an ordinance, I guess I'm asking you sort of how it would be interpreted moving forward both by the law department, by the staff who are implementing it.

>> And I don't know that the staff has evaluated how they will go ahead and do that right now. I think this is an effort to codify and allocate those percentages that council previously appropriated, but to codify how that would work as far as the financial angle.

>> Tovo: Okay. I didn't see language in the

[3:16:07 PM]

ordinance that talks about the distinction between commercial music and non-profit music.

>> I think the focus is simply on local music that is not funded through the cultural arts fund.

>> Well, it's all local music. All of the music that we fund through the hot is local music, right? I mean, it's not all commercial music, but it is all local music. So I guess I'm a little concerned about using a definition in our ordinance that --

>> Mayor Adler: Part of it is the definition we're using is tied to how -- it's local music that's not funded by the cultural arts fund and that's pretty clear what's funded and not funded by the cultural hearts fund because people are making applications right now. It's been going on for years. And I just really want to thank the collective arts communities, both commercial and not commercial music and not music for really working through this challenge, quite frankly, that's been in the community for the last 20 years. I know there have been

[3:17:07 PM]

several attempts to bring this to the council dais, to have the council dais jump into the middle of this dispute over the last 15, 20 years. And to have those collective groups in the community come to the council with a recommendation. I just want to congratulate everybody that did that. I know that was hard work in coming up with that compromise and I want to congratulate and compliment people. But the intent is to put into effect that work that community did -- those communities did.

>> Tovo: Can you remind me what did -- did we get formal recommendations from those bodies?

>> Mayor Adler: They were part of the work by the tourism commission. And when the tourism commission made their reports to the city, many of those groups came to us and testified in favor of it. And this was, frankly, a big piece of it that they came to us and spoke in favor of.

>> Tovo: Okay. Going forward, I just want to be sure I understand the

[3:18:11 PM]

impact of -- as I understand it -- I think it -- I'm comfortable doing this today with the understanding -- which I think is the understanding that we can continue to evaluate and we can always make changes to this. I see the provisions that are going away says it can't be done as part of the budget, but it can be done as an act of council. We can always change those -- we can always change the allocation within those percentages.

>> Certainly.

>> Tovo: Because I do think there are other funding lines within the hotel occupancy taxes that could be used to support music venues in this community, including the tourism and promotion fund. And I've heard and have also generated some ideas for the use of that. And that would -- I think that bears considering over time because we have a thriving cultural arts scene and I think they all deserve to be supported through the cultural arts funding. And if the real challenge is that our commercial music

[3:19:11 PM]

can't compete with the larger budget of cultural arts funding, it's part of the council to make sure that commercial music is part of that process if they've been excluded because there is a provision that doesn't allow non-profits. That's just an act of council. So there are multiple ways I think of providing opportunities for commercial venues other than this one. And I want to watch this over time and see whether some of those other paths are as beneficial. Or potentially more so.

>> Mayor Adler: Okay. Let's hear from the public. People have signed up --

>> Kitchen: I have a question also. I'd like to ask my question too.

>> Mayor Adler: Before you hear from the public?

>> Kitchen: Yes. So it's along the lines that councilmember tovo was asking about, but a little bit different. I'm just wanting to understand. So I'm curious about why -- I think that supporting live music is absolutely critical for our community, but also I think it's important to support our art scene. Our other artists.

[3:20:12 PM]

So I'm curious about why this is focused on music and -- in other words, I had a similar question. This is to help us -- to help the part of the community that's for-profit and not non-profit. But I'm not understanding why we are limiting it to music and why we wouldn't do this for the arts community also. The visual arts community.

>> Mayor Adler: I think that everything we do is a question of setting priorities. This is money that has to be used for tourism so it has to be money that is focused on tourism because it's hot tax money and that's the overarching principle. Certainly the music, commercial music in our city is a huge part of the

tourism in our city. And this recognizes that. It ways into what was again a 20 year dispute among people in the arts community to try and resolve this and this is where the arts

[3:21:13 PM]

commission and the music commission netted out. And something that I support. There's a lot of support in the seven percent money in hot, hotel tax to support all different kinds of art in this city. But the last two percent I think meets a significant need we have in the community, reflects the impact that music has on tourism in the city as well.

>> Kitchen: Okay, I understand that, but our arts community also has an impact on tourism and it has a major impact on tourism. And I'm just -- I'm uncomfortable with uncomfortable with it and the music and arts community. That's why I'm asking the question. We have major things going on with our arts venues as well as music venues losing and having to leave town. I was just curious about was

[3:22:15 PM]

there any thought given to the visual arts? And I'm just trying to understand -- I'm trying to understand the reasoning behind this approach.

>> Mayor Adler: I think there were a lot of discussions on this when this issue went before the citizen commission that we put together to go through exactly these issues and when they came one this recommendation.

>> Kitchen: So I'm sorry, this is a recommendation from?

>> The tourism commission that we all picked and put people on a year ago.

>> Kitchen: Okay.

>> Mayor Adler: Councilmember Casar.

>> Casar: And my name is on this resolution and I want to share my thinking, which is I saw this, I think as many others did, as a way to not be picking between arts and music and not be picking between commercial music and non-profit cultural arts because it creates essentially a pot for those non-profits to remain not being -- the commercial music coming in

[3:23:16 PM]

and competing with that pot. So no matter what there will be those dollars and then creating this separate pot for commercial music. So I think my melding all of those, you could have situations with

commercial music is bidding for the same dollars as a nonprofit visual arts. So I think in the end this peace treaty nicely ensures that we will have funding for each of those groups rather than having them competing for one bucket of money. So I think this -- even though it's not designated, for example, for non-profit visual art, it makes it so as we move forward, commercial music is not bidding for the same dollar.

>> Kitchen: So they wouldn't be applying for the other bucket? >>

>> Mayor Adler: They're not eligible for it.

>> Casar: I know. That's what I mean. They're not eligible. So that actually -- I think the other option and path that lots of people have talked to me about for years is having commercial music be in the same -- be eligible in the same bucket and pot of money as non-profit visual art, for

[3:24:17 PM]

example, which could start creating that which one do you pick situation. So that's why I actually think this is a good thing for all different types of cultural arts because we allow dollars that are in different pots so that we're able to still be getting some of each and not actually pitting those interests so clearly against one another.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Thank you, councilmember Casar, for articulating that. I think that's an important distinction that as we often do, we can and have supported all the things, but at some point you've got to say which thing is getting which part of the thing. I mean, I don't want to be flippant, but that's our job here. Also, just one other point. I've heard multiple councilmembers reference venues as recipient of these dollars. The state law is pretty prescriptive that you can't spend this part on venues. It's about promotion of these things to tourism and for tourism. And as much as I've had

[3:25:18 PM]

conversations and we've all had conversations about needing more performance venues and music venues, the state law is pretty prescriptive that you can't use this for capital expenditures, it can only be for operating.

>> Mayor Adler: Okay. I really do want to get to the members of the public that have signed up to speak to us before we go too far in the debate.

>> Tovo: If that comment was directed at my comment, I want to clarify that I was talking about from the tourism and promotion fund. I believe we can support venues. That's fine and can you disagree and we can have that conversation later. I want to clarify I was not saying that we can support venues through this 15%.

>> Mayor Adler: Okay. And the task force was the visitor impact task force. Do you want to say something before we call people? Last person and then we'll get to Caitlin Whittington? You will be the next speaker up. Go ahead.

>> Pool: So I'd like to -- once we move past this on the dais, I would like to also look at, since we're looking at commercial entities, commercial music

[3:26:18 PM]

entities, I'd like to look at the film commission budget and the small business business marketing monies that we provide to small business marketing so we can see if there are ways that we can also expand and support them. Because I think what we're doing here, and I wanted to confirm this with Lela, with Ms. Fireside, our assistant city attorney, I wanted to clarify what we've done with the additional two percent hotel occupancy tax is we have essentially made the pie bigger, the operating funds of seven percent, we've put the two percent on to that which has allowed us to have some additional monies in that fund, is that right? We did that a couple of weeks ago at our last meeting on that emergency item.

>> You are correct that we increased our allocation under 351 of the hotel occupancy statute from seven percent to nine percent. We are not taking the funds from the two percent because

[3:27:19 PM]

that's only for expansion of the convention center, but that increase in the allocation under 351 enables us to put additional funds towards these two purposes.

>> Pool: Correct. And I want to make sure that when we talk about this, and I'm going to look in here and make sure that we haven't maybe misrepresented that in this ordinance to make sure that people understand we are not taking the additional monies for this item from the two percent venue tax under 351, we are taking it from the 351, whatever the subsection is, which is operating funds, which tells me that we can also possibly, mayor, maybe we could work on this together, look at ways we can support the film commission budget and small business marketing as well. That may also have some of the same positive impacts that you're offering for the commercial music venues. I think that would be a good conversation for us to have further.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you.

[3:28:19 PM]

I think this will be a simple question, mayor. So when we created the historic preservation fund we did it via this ordinance. That fund doesn't exist until we created it with this ordinance. So the live music fund doesn't exist yet. By putting it in here it now exists. Is that --

>> Mayor Adler: Yes.

>> Alter: Okay. And when we did that we also didn't have a fully baked plan of exactly how that money was being allocated. We invited staff to come up with processes and to indicate which kinds of properties or organizations would be eligible. It would be inappropriate in the ordinance to specify that, but is it your intention that the rules and the scope would be determined by staff as the next step for this?

>> Mayor Adler: Yes. That would have to happen.

>> Alter: Okay. Thank you.

[3:29:19 PM]

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Ms. Fireside? Just to clarify, it can be very easy to confuse how this works. State law is not written to be readable, it's written based on how the legislature comes up with their stuff at the last minute. To be clear, the only way to put more money into the areas classified at 15%, the music, art bucket, historic preservation money, the only way to add money to that within hotel tax authority is by doing this additional two percent?

>> That's my understanding.

>> Flannigan: So we could not find other ways to add more money into those buckets. >>

>> Not that I know of. I know that there are many discussions that are happening and so I don't want to get in front of those conversations.

>> Flannigan: Thank you.

>> Mayor Adler: All right. Heats hear from the public. Ms. Whittington you have time donated from

[3:30:22 PM]

Mr. Shulie. You have five minutes.

>> Thank you. Mayor, mayor pro tem, members of the council, my name is cat Whittington and I'm chair of the tourism commission. I also sat on the visitor task force representing the music community during those deliberations. The funding allocations as proposed by this ordinance by my understanding are in line with the recommendations of both of those boards and compliant with state law, and those

recommendations were unanimously approved in both instances. So I'm here today speaking as a long-term member of the music community of musicians, stagehand, concert promoter and fan, regarding funding for music, the intention of the visitor impact task force was that new funding from the hotel occupancy or the equivalent of .3 cents per taxable dollar should be allocated by criteria that invests in the bottom line of musicians, music venues and programs that drive music tourism in Austin. The commercial music sector. Such criteria should be and developed and implemented under the full engagement of

[3:31:23 PM]

the music community and not under the existing non-profit funding model and criteria. With all due respect to the organizations and programs that are currently funded by the hotel occupancy tax, Austin is the live music capitol of the world. It's not the chamber music capitol, visual arts capital, performing arts capital, historic preservation capital of the world. This small step in recognizing this commitment to the industry that is synonymous with the name of Austin, Texas, is critical to supporting an industry that is struggling under the economic forces of regional development. I cannot continue to sit idly by as I have watched this happen over the past connect decade. Austin does not have the hundreds of millions of dollars to rebrand this city, a brand ingrained in our streets, entertainment districts, hotels, all of our marketing materials, not to mention our culture. Our image and brand have been built on the backs of working musicians and those who make sure that the show goes on day after day after day. And it's time that we invest

[3:32:24 PM]

in policies and programs that recognize that. While the creatives arts community is in agreement that commercial music needs its own funding stream and the visitor impact task force recommended such a funding stream, we are still at risk of pursuing policy that only no, ma'am Ali impacts the bottom line of the music community if we're not deliberate in creating new objective criteria to manage these funds. Without a meaningful program and criteria developed by the community that is built with intentionality to drive the economic vitality and sustainability of the music industry, we are faced with losing this cultural institution. Some in the community will argue that this new funding already exists and has existed. To them I say that this is easy to advocate for smaller slices, but the recommendations that have come from ongoing deliberation on the matter is to create a bigger pie and from that to find a small slice to offer the music community. These same critics have had for four years to present options fortuning the commercial music sector and they have failed to bring

[3:33:25 PM]

valid legal opinions to the table. I commend the council on continuing to pursue these objectives and the recommendations of the visitor impact task force, the tourism commission, the music and arts commissions and I hope to see these funds set aside as the criteria and eligible programs are developed. Thank you all for your time. Ma'am?

>> Mayor Adler: Thank you. Councilmember alter.

>> Alter: Thank you, I appreciate that. I'm largely sympathetic to this. I just want to get better clarity, an example of what would be funded through this very specifically is you do have individual artists not for profits that are getting funded through cultural arts and I want to make sure I'm understanding the distinction. I do believe this was what was recommended by the visitor impact task force. Can you give me a concrete example or two?

>> One concrete example that the music community has talked about is one potential eye program, and I don't mean to speak for all potential programs. Inch it's something that needs to be worked on as a whole and a criteria set. I don't want to pigeonhole

[3:34:25 PM]

where the funds go early. One potential project would be a live music rebate program for local musicians. And that could help increase the bottom line for venues as they can bring live music -- local artists as opening acts for touring artists, which helps offset some real costs for venues. It can drive higher revenue for the local musicians that are playing in these venues. It could incentivize events that are coming into town, maybe corporate groups or promoters that are coming into town to book local musicians. And to help to drive funding and get it actually in pockets of musicians. Other programs that have been talked about would be a parking rebate or a parking structure on that getting musicians to play downtown could have their parking covered to help with their transportation costs and ease of access. So those are just two examples of programs that might be. My thinking of the criteria, you know, it is a work that needs to be hashed out among the broad group of

[3:35:25 PM]

stakeholders.

>> Alter: So would a -- you can get owe as a local musician you can apply under a sponsored project for cultural arts funding. Would you then be precluded just by the way this is written of getting funding from a rebate like that if you happen to have been involved in a sponsored project? Is there something that this is getting too -- I'm okay with it being for commercial and live and local music. I just want to make sure that we are not cutting out the little guys somehow because of the legalese that we're using.

>> My understanding is local musicians that are getting funding are either working within the constraints of a non-profit or sponsored by a non-profit. Typically those non-profits that are sponsoring them are

getting some percentage off the top of what the work grant is in order to administer those funds and help them with their grant process as a non-profit. I also understand that the few that are getting money out of this -- and I don't mean all musicians that are

[3:36:26 PM]

getting funding out of this. Obviously you have the symphony, you have the chamber music, the flamenco group. You have cultural musicians getting money out of the cultural arts fund currently. But working musicians there gigging downtown, the few that are getting money out of this -- out of the current cultural arts thing and funding mechanism are through non-profits that are putting on events of some kind. So those are non-profit groups producing events. That's my understanding of those that are getting current funding.

>> Alter: So we'd kind of be considering the non-profit groups as the sponsor and not necessarily the individuals who are getting it.

>> The idea for this is programs that really support the bottom line of musicians, music venues and music tourism in Austin. And I don't see that those criteria objectives being part of the matrix of current allocation of funding. And I think that that is the distinction is that we need to look at you these as two separate ideas. One being we are promoting culture, we are promoting

[3:37:28 PM]

these cultural activities, cultural events. The other being we are doing economic development in this sector which is very meaning of theful to the city of Austin.

>> Alter: Thank you. As the next step goes and we clarify the process through the staff or whatever I think there will be some details like that that we are going to have to work out. I don't think we're going to figure those out on the dais tonight, but just as we've had to do with the heritage preservation fund, I think we're going to also have a learning process and a growth process and it might change overtime, just as we are doing with the heritage preservation and fund.

>> Mayor Adler: I think those are good points. Thank you very much.

>> Thank you. Thank you all for your time.

>> Mayor Adler: Hold on a second.

>> Tovo: I want to underscore that. I don't really have a question. I would say those are interesting programs and I look forward to hearing more and I hope we can figure out a mechanism for those ideas to can kind of bundle up in some kind of report -- bubble up in some kind of report. One thing that struck me is I don't think I would want to see us use our hot

[3:38:29 PM]

dollars for a parking program since we run the parking systems. It seems like we could probably come up with some other ways of waiving the fees, for example. But the other -- the first idea you mentioned seems like an interesting one to explore. So if we could figure out how to get those ideas into some kind of exploratory form and back, I think that would be interesting. And useful.

>> Mayor Adler: Thank you. Next speaker, Patrick? You have time donated by Rebecca Reynolds. And also Cody. So you have seven minutes.

>> You thank you so much. My name is Patrick buta. I'm the executive director of a newly formed 501 C 4 non-profit called Texas musicians. We serve as the trusted voice for active membership base of over 4,000 musicians in the city of Austin to advocate on city and state

[3:39:31 PM]

policy. And I'm here today with our coalition of music makes Austin, the red river cultural district and the music venue alliance, to thank you all for considering what we're talking about here. And let's make no mistake, this is the first ever public funding for commercial music in the city of Austin. You know, I know that's crazy to say, but as we talked about here today, you know, traditionally those cultural arts funds go to non-profits. And what we are talking about is people. We are talking about the musicians here in town who work everyday to cultivate what we call the live music capitol of the world. But this these people that run these venues, that own the venues and are out there as musicians working everyday and every night and they can't afford to keep their doors open, they can't afford to continue to live in this city because of

[3:40:32 PM]

rising cost of affordability. Well, then our entire tourism economy is in trouble, I would say at that point, right? So this entire brand that we've built Austin upon is in a bit of a quandary going forward. So really I just want to say today that we have this wonderful opportunity here to send a clear message to our music community that we are here to solve these problems. Austin has a history of being the leader across the country and really making lasting changes. And our music community needs these things now. Everyday I hear of musicians moving away. It's a valid question, what

[3:41:33 PM]

it looks like, what mechanism the funding would go through, what types of programs would support our live music and commercial music sector? And the great news is that we have a whole team of industry professionals here who are ready to do that work with you guys. I know Rebecca Reynolds sent an email around to everyone last night with all of our contact information on it. You've got the best superhero team in town available to help you guys as we go forward with this stuff. So real quick I just want to close. Last night I was at one of the greatest public spaces in the city of Austin called Dozen Street on East 12th Street. It's a great live music venue. And I was talking to a musician about one of our most treasured musicians in town. His name is Dee Madness. And he's been an institution in this city for, gosh, I want to say almost 30 years, since I moved here in '91 to be a working musician. Dee Madness is visually

[3:42:35 PM]

impaired. And he man a mentor -- he has been a mentor to so many musicians in the city, yet Dee is spending more money to go play gigs than he is making. I only bring up his story because it's indicative of our larger community as a whole. When these musicians who don't know about all these cultural funding opportunities. They don't know about non-profit opportunities or they may not be eligible all the time for some of these, but they need our help, they need our money now. So we have an opportunity to do this work together. I can tell you that on behalf of our Facebook group that our founder and president has cultivated for 10 years, we have over 4,000 people watching all of this, listening. We're ready to see what happens next and they want some real solutions. So we're here to work with you guys and I just want to -- again, thank you guys

[3:43:36 PM]

because we're -- this is historic. Let's make no mistake about it, it's historic. Thank you very were.

>> Mayor Adler: Thank you. Let's go back up to the dais. I want to thank the co-sponsors on this, councilmember Flannigan and councilmember Casar and councilmember Ellis and Harper-Madison. For those of you that I know also worked to make this better, councilmember Alter, the work that was being done, the support on the dais. I do think this is a really special moment that's happening here. I think it reflects who we are as a city. Because we will not remain the live music capitol of the world if we don't support live music. And by this act I think that we are speaking to the importance of this in our community. And I'm really proud to be

[3:44:36 PM]

part of that and to make this statement. Any further discussion? Councilmember harper-madison?

>> Harper-madison: I would like to say thank you for your testimony and also thank you for bringing up Dee madness. I want to tell you guys not only is he a brilliant local musician, he is hilarious. He's visually impaired, but he likes to tell people it's nice to see you. So he's an amazing person and a really good example of what it is that you were just pointing out. One, we have a great opportunity here to make big investments in our local culture. That's including our hard working institutions and artists who contribute so much to Austin's community. It is also an example of how this is an equity issue. We need to prioritize the support and investments we give to our working class musicians and artists just as highly as we do big festivals here in Austin. I truly believe that my intentions and those of my colleagues on the dais with

[3:45:36 PM]

using the convention center improvement to achieve these goals will provide meaningful support for our local musicians and artists. So many of them who live in east Austin. So I'm really, really proud to be a part of this initiative.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: I appreciate you having me on this. I'm glad to be a co-sponsor. I think that music has a really unique way of bringing communities together. If you hear a band you like or they're at a venue maybe you haven't been to before you're more likely to go across town, see something new, in a way that different art forms may not necessarily do. I think we all support all art forms. We really have shown through the vote that we took with the creative spaces bond early on, and the way that we've been moving forward with affordable housing. I've heard from people I know that are in the music industry that those are the biggest issues to them are being able to afford to live in Austin and not get priced

[3:46:37 PM]

out. And I think it just has a really good way of bringing people together, almost the way that sports does too. If you all like the same band you're more likely to come and join with other people that maybe you haven't spoken with before and I think that's really special in our community and I'm happy to support this.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. I want to ask if it would be amenable adding some direction along with this that would -- I don't know if I have this fully fleshed out, but just states that the rules and the scope would be determined by staff with input from the music commission. I don't know whether it has to come back to council, per se. I think that any awarding of a contract would have to come back to us at that point, but I think that the -- support for working musicians is really important, but I think we need to have a process.

This can't just be in a back room that will this gets decided. And I don't think that was your intention, but I would

[3:47:38 PM]

feel more comfortable with some direction and some clarity on the process and the wording that I had just city manager is directed to have staff determine the rules and the scope for the use of the live music fund with input from the commission, music commission.

>> Mayor Adler: I'm fine joining in that because I think it would be important. It's city money so it ultimately comes back to us.

>> Alter: And then the second direction, which hopefully is germane, but it is a reiteration of direction that we gave in may is that when we talk about the next steps on the expansion of the convention center, which we have not decided on, but we have said we want to see this scenario five elaborated. That we really do good on our expectation that there will be opportunities for our local artists whether they're musicians or cultural or performative to

[3:48:42 PM]

access the space that is available.

>> Mayor Adler: I would joining in that sentiment that it's not really germane to this given the posting language, but I would join in that sentiment. And the other thing is I would agree with what councilmember harper-madison said about this being a issue not only in music. I was talking to Chaka the other day. In music as with so many things happening in this city, we live with historic and systemic inequities. I'm real supportive of the music organizations, the eq Austin, that is going at this issue among our live musicians and that ecosystem, and that's a real important thing and needs to be part of everything that we're doing.

>> Alter: Can I actually finish my --

>> Mayor Adler: I'm sorry.

>> Alter: I wanted to also add that, well while I'm going to support this and I

[3:49:42 PM]

believe we need to invest in our local musicians and this is one way to do that, I do believe that our tourism promotion fund can be spent to have local musicians playing in different ways. I think it could be

used for local musicians to be playing at the convention center or support that. I think it could be used as it already iso send local musicians to play elsewhere, and that we really need our visit Austin and our convention center to be thinking about ways to leverage the wonderful asset that is our live music and the rest of our a arts community to help us with things that are consistent with tourism as well as allow us to build up that industry for those who are participating in it as their livelihoods.

>> Mayor Adler: Okay. Councilmember Flannigan.

>> Flannigan: Thank you for that, councilmember alter. I think we're all in support of that, as you said hire local musicians and they

[3:50:42 PM]

send them to tourism promotion events. And that comes out of the tourism and promotion fund. I think there's more of a debate about whether or not that money could be useds on a physical building capital expense. That's where I think that I don't believe that the saw would law that. But they already spend it to hire musicians and I think it's been a great program and to the extent they can expand it they should always be encouraged to do so. And I concur with you that the future of the convention center facility as we expand it should definitely include performance venues accessible to our local musicians just as when we talked the last time around about including public safety assets and thinking about fire stations and other types of public safety facilities as well. It's a real good opportunity for that corner downtown.

>> Mayor Adler: Let's take a vote. We have a lot left to do today. Those in favor of this item 149 please raise your hand? Councilmember pool. Go ahead.

>> Pool: Thank you. I wanted to reiterate I would like to see efforts to open doors along these same

[3:51:43 PM]

lines, not just for commercial music, but also to our film sector and small business marketing. The cultural contract is set aside not specifically for musicians, but we can use additional marketing dollars to expand the program where we do send groups around the country and -- I think maybe even around the globe as music ambassadors. So I think there are ways for us to continue to expand that program. And I think that the funds are just sitting there waiting for us within our hotel occupancy tax and I look forward to us pushing even harder on how we support our local groups, all of our cultural artists in that way. Thank you.

>> Mayor Adler: Thank you. Let's take a vote. Those in favor of this item 149 please raise your hands? Those opposed? It is unanimous on the dais. Congratulations. Thank you. All right. Let's move on now to -- let's see what else we can take care of. What about item 29?

[3:52:43 PM]

Do we have language that works now?

>> We do.

>> Harper-madison: I'll read it as it was presented by legal and then I believe my can colleague has a slight tweak that I'm comfortable with. So as it stands, the amendment is I move to authorize an agreement with the urban renewal agency for a period of nine months and direct the city manager to provide the council with an update on the status of the board's activities, no later than March 31st, 2020. At this time the council will also receive updates from the Ura board, district 1, and the public. Today's action is not intended as a decision to dissolve the agency and future council action must be taken prior to the end of the nine-month term if council decides to extend the agreement R. Agreement or dissolve the agency. And then I think Kathie had two iterations, both of which I'm comfortable with, of modifications to this.

[3:53:46 PM]

>> Mayor Adler: We also have some folks who have signed up on this one as well. No? Not on this one. Okay. Councilmember tovo, did you want to add something to this language? Okay. So it's been moved, this language on item number 29. Is there a second to this language? Councilmember Flannigan seconds it. Any discussion? Councilmember tovo.

>> Tovo: Yeah, thank you, to my colleague for her feedback on the amendment. I think just to be crystal clear, I would suggest we do

the following: Make a period after agency and then start the sentence future council action must be taken prior to the end of the nine-month term. To extend the agreement or dissolve the agency. Just to make it very clear that today's action as was the intent, is not making that decision about whether it continues or not, but that that will come back to us for a vote. And I just want to say, you know, as I mentioned before, I would have supported the

[3:54:46 PM]

original term, but I'm comfortable as long as I know we have another opportunity to make that extension beyond this nine months.

>> Mayor Adler: Okay. It's been moved and seconded. This is item 29. Does anybody have an objection to putting a period in. You comfortable with that? That change is made. Let's take a vote. Did you want to --

>> [Inaudible].

>> Tovo: I was adding additional language. It wasn't just making it a new sentence.

>> Mayor Adler: I'm sorry, I missed that.

>> Harper-madison: I didn't catch that either, Kathie. I think what you have written down there is different -- the way you said it was add a period here after agency and then basically take out if council decides. And so add a period, and then future council action must be taken prior to the end of the nine-month term to extend the agreement or dissolve the agency.

>> Tovo: That's right.

>> Harper-madison: So we just excluded that.

>> Mayor Adler: Anybody have any objection to those changes? Hearing none that change is

[3:55:47 PM]

made. Ready to take a vote in all those in favor raise your hand? Those opposed? It passes unanimously, item 29. All right. Let's continue on then. What about -- I think that gets us up to the consent items -- let's look at item number 13.

>> Item 13 was tabled and I believe people are still looking at that.

>> Mayor Adler: Let's move past 13.

>> Garza: I have a question, mayor of the R. Are we going into executive session for 147 or -- two?

>> Mayor Adler: Yes, at some point we need to.

>> Garza: Right now I suggest we do 13 as well. I'm curious to when we are going. Dinner break?

>> Mayor Adler: When you say 13, into executive session?

>> Garza: Yes.

>> Mayor Adler: We can certainly take both those into executive session.

>> [Inaudible].

>> Mayor Adler: 142.

[3:56:47 PM]

13 and 142. In executive session.

>> 36 has no speakers.

>> Mayor Adler: Okay. Let's take up number 36. It's oakwood cemetery. Yes, councilmember tovo.

>> Tovo: I would ask if we don't already know this information, on 13 if there's a need to resolve that today. I know several of us probably have requested the information, have signed the nondisclosure to get the information. And rather than try to resolve all that today, if we don't need to make a decision about 13, maybe the best -- maybe the best path forward is just to postpone it.

>> My understanding is it can be postponed until October the 3rd and that would give you opportunity to look at the materials that the staff members have sent to all the council.

>> Garza: I'm fine with that.

>> Tovo: Councilmember Renteria?

>> Renteria: I'm fine.

>> Mayor Adler: Any objection to postponing item 13 until October 3rd? Hearing none it is postponed until October 3rd.

[3:57:53 PM]

Councilmember tovo, you want to talk to us about item 36?

>> Tovo: Yes, thank you. This is the waiving of the fees for the Austin community college course that's going to take place in oakwood chapel. And I guess I'm just trying to kind of understand -- understand this. We did a little research about the course. It sounds really interesting as a humanities student and professional briefly. You know, I'm very supportive of that kind of effort, but I'm trying to understand why we're waiving the fees. Are they -- are the courses going to be open? Are those discussions going to be open to the public in addition to the people who have enrolled for the course?

>> Kimberly Mcneely, director for the parks and recreation department. So first, the -- the letter of the law, per se, would say that any time an entity is going to use a space where they're charging a fee that we would have to -- we would have to charge them a rental fee. And as we understand this

[3:58:53 PM]

course, based upon the conversations that we've had with ACC, they want to use the chapel as a gathering space for their students and then actually utilize the entire cemetery, which is free of charge. Anyone can walk through the cemetery as the base of their course discussion. And so because they would be using the chapel as a gathering space, we would technically have to charge them a fee and so we thought for the minimal amount of time that it appears that they will physically be in the chapel that it would be appropriate and okay to go ahead and waive the fee. We don't believe that that is going to

in any way impact our revenue, nor do we believe that it will displace any of our other programs. The course can be audited by the public and taken at no cost to the public, but of course, if you're taking it for credit, you would be a student of ACC and you would pay the appropriate course fee.

>> Tovo: Okay. I'm glad to hear that. So when

>> Tovo: Okay. I'm glad to hear that when you

[3:59:53 PM]

say they are gathering, are they actually having classes within the chapel? Or no?

>> That becomes their classroom, the classroom space is the entire cemetery, but they need to have a gathering location to kind of set the course of what they're going -- or set the stage for what they're going to be doing that day, then they'll actually be utilizing the cemetery space as their -- as walking tours and conversations and part of their coursework.

>> Tovo: But we do have a confirm commitment any member can audit the course for free as long as they don't intend to receive college credit.

>> Yes, ma'am.

>> Tovo: Is that something we can promote through our city website?

>> We can certainly look into that, absolutely.

>> Tovo: Yeah, I think if we are waiving the costs, I would request that we are able to promote it through our website.

>> Okay.

>> Tovo: So thanks. That satisfies my questions on that.

>> Mayor Adler: Okay. So is there a motion to approve this item number 36?

[4:00:55 PM]

Councilmember harper-madison makes the motion, seconded by councilmember Renteria. Any discussion? Those in favor, please raise your hand. Those opposed? 36 passes unanimously. Let's take up the towing fee, item number 41. Councilmember Casar, you pulled this one. We have a lot of people signed up to speak. Do you want to hear them first?

>> Casar: Yep. That's fine.

>> Mayor Adler: Okay. So we have a lot of people that have come here to speak, and everybody who signed up is speaking in favor of this. Don't feel like you need to speak if other people have already said

what you're going to say. Don't feel like you need to take all three minutes as we try to get as much done here into the evening and move onto other things as well. Is Joe Ayres here? What about gage Taylor? What about Timothy Sapp?

[4:01:56 PM]

Come on down, sir. You have time donated by mark Schroeder. Is mark Schroeder here? Also by Richard Murphy. Richard Murphy here? No? You have five minutes. All right, sir.

>> Thank you, Mr. Mayor. I would like to thank the members of this council for the opportunity to represent my industry in this chamber once again. Non-consent towing on private property is easy to demagogue. The benefits are evident, but diffuse. The costs are acute but necessary to the function of this city's communities. Nobody considers the circumstances when they find a parking spot near their home or near a small business they patronize. Everybody has heard a story about an impounded friend's difficult experience. Our stories are more obscure. I thank this council for letting me share them. The last time I had the privilege to address this chamber, I sought

[4:02:56 PM]

inclusion, warning that a hasty decision to divide this industry would create an under class within it. We are so thankful, we were so thankful that the city council listened to our testimony and asked for the production of the fee study mandated by the statute. Today we have the results of that fee study, and its results should look familiar. Comparing today's conclusions to those considered in June, we'll find that data for private property non-consent towing suggests a more costly business model with a higher average rate from municipalities that divide the industry. Despite this difference, you will notice the final recommendation is the same, \$185 that our colleagues in the rest of the industry receive per tow as of the June meeting. I'm not ashamed to tell you that our group of people negotiated against ourselves. We requested the lower fee in line with the rest of the industry. Why would I air this textbook example of poor negotiation at a

[4:03:56 PM]

public hearing? Because it gets to the heart of what we're asking for. We're asking the council for clarity in our industry and clarity facing the public. We perform the same work with the same equipment, the same licenses and the same regulations as those who work on the public roadways and we perform this work for the same reasons. During the June meeting, councilmember Casar set the national consumer price index as a reasonable standard for adjustments to the towing fee, choosing to look at the issue from the perspective of consumers. We understand that the use of a different standard for adjustments

to the fee, for different parts of the industry, would be hazardous to the public's understanding of those fees and the work that we do. So we requested a smaller adjustment than the data justified because the quality which exists naturally everywhere else in the industry needed to be preserved in the pricing as well. When I was growing up, my father

[4:04:58 PM]

drove a tow truck. I was the only child in the pickup line at school looking for a wrecker. I certainly caught some flack for it. People expected that I should be embarrassed of my father's job, but I wasn't. Everybody knew the stories about towing or later had seen the reality television about impounding but I knew the truth. I saw a group of people working very hard in challenging conditions to provide a service, even as a child, I recognized relief on the faces of small business owners and property managers and residents when a parking problem was alleviated. Not everybody has this perspective, so I want to answer the two questions that have been posed most often in this process. Who does the industry serve? And who does this rate adjustment serve? The industry serves public safety in the same way that A.P.D. impounds public safety. We remove nuisance vehicles and we provide access for small businesses and for people trying to access their homes. We especially serve those with

[4:05:59 PM]

special needs and those who do not have the privilege of owning a driveway, a private driveway or garage where they can leave their car and need someone to manage a shared parking space. We know this because the community that hire us have only one incentive to hire a towing company, and that would be to provide service to the residents of that community. There is no financial incentive, any such financial incentive is highly regulated and illegal. And no such incentives are ever provided. That speaks to who this raise would benefit, which is those communities. It would benefit them in the form of a -- we've actually penciled out how we would use this raise, 35% towards H.R. Investment in our company, in terms of higher wages and better training, 35%

[4:06:59 PM]

towards equipment, physical improvements to our land, 15% to a new software initiative we'd like to do, and 15% to account for the fact that every time we've raised this price in the fact, we've actually seen a decrease in volume of private property tows.

[Buzzer sounding] Today this council can choose to confront or -- choose an easy target or choose to confront a difficult truth. There are a lot of talented people in our field and I hope that you can --

>> Mayor Adler: Thank you.

>> -- Show them respect for their hard work and effort. Thank you.

>> Mayor Adler: Thank you. Is Tasha Moore here? Do you want to speak?

>> Yes, I do.

>> Mayor Adler: Co on down. Is Joshua Moore here?

>> He had to step out.

>> Mayor Adler: Okay. Is Josh Cole here? Is Josh Cole here? No? You have three minutes.

>> I know there was another individual, mayor, that wanted to give his time.

>> Mayor Adler: Do you want to donate?

[4:07:59 PM]

Would you come down to the clerk, please. You have five minutes.

>> Thank you. Thank you, mayor -- excuse me. Thank you, mayor and councilmembers for the opportunity to speak. My name is Tasha mora and I'm a long-time austinite, was raised in Austin as part of Austin's largest family on record. Attended elementary through high schools in your respective districts, met my husband at a local east Austin high school, married and later started our family-owned tow company, which has been in councilmember harper-madison's district for the past 17 years. I've returned alongside fellow non-consent tow providers, industry stakeholders, in favor of item 41. Thank you, councilmember kitchen, for requesting that we -- that city staff return after the June 6 meeting. At your direction we met with city staff and had a very solid and productive meeting. As a reminder at the June 6

[4:09:00 PM]

council meeting the staff recommended the non-consent tow fee be adjusted to \$195. The council approved the adjustment to the non-consent tow fee and passed the adjustment to \$185 at councilmember Casar's recommendation. However, due to the posting language, the recommendation passed at the explicit exclusion of the very stakeholders who qualify to request the study. The private property tow providers. At mayor pro tem Garza's councilmember kitchen's, and council's request, the city staff, Austin police department, was asked to return so city staff may return with their recommendation which would be inclusive of the stakeholders that had been excluded in the language. For historical purposes, we, the non-consent private property towers, have been active participants in the original petition process with our fellow stakeholders and non-consent tow providers, as far back as 2018, in October 2018. Although we had voiced our concerns of distress to city staff that we may be excluded, we

[4:10:00 PM]

were assured by city staff that not only would we be included, but the participation of the non-consent private property towers was required in order for the stakeholders to request a tow fee study. Per the ordinance, the city shall conduct a tow fee study if the requesters accounted for not less than 50% of the non-consent tows purchased in the city. As non-consent private property towers in Austin, we have alone accounted for 57% of the non-consent tows, whereas the other body had accounted for 43% of the non-consent tows, therefore deeming them ineligible for a tow fee study without the participation of the private property non-consent tow providers. So we cum Laude and collectively both police towers and private property towers collectively provided our financial information to the city staff within the petition. We worked with the city staff since October of 2018, attended the U.T.C meeting in April 2019,

[4:11:02 PM]

met with city staff after the utc meeting, attended a second U.T.C meeting in 2019, attended the city council meeting on June 6th and we were explicitly excluded. We were asked to return to the August 22nd council meeting at which time we did, but there seemed to be some confusion where the item appeared on the August 22nd meeting. We appreciate the opportunity council has afforded us, the opportunity to return. We appreciate the opportunity to have met with city staff, the Austin police department so we can't provide additional information for their return to council. At an interim, councilmembers, we appreciate the opportunity you all have afforded us and extended, allowing us to meet with you and provide clarification and answer questions regarding the procedural aspects that have brought us to the agenda item -- to the item on the agenda today. And thank you for the opportunity to explain the highly regulated process we must follow to provide

[4:12:02 PM]

our services within the state of Texas and which are further regulated by the city of Austin, for a non-consent tow originating from the city. This opportunity seemed to be helpful in clarifying the process and potentially dispel myths or misinformation related to the costs or the process associated with providing such service. We are the very stakeholders who were qualified to request the original tow fee study and collectively submitted the request and petition that was received by staff. Two, we fully participated in the tow fee study process with city staff, and three, who, on June 6th, although were the group that actually provided a request of tow fee study, were circle. But we were asked to return, and we have returned. In closing, mayor and council members, we support the city staff's, the Austin police department's recommendation for a rate adjustment to the non-consent private property tow, and request that you may

[4:13:03 PM]

respectfully consider and support the recommendation of city staff as presented in item 41.

[Buzzer sounding]

>> Thank you.

>> Mayor Adler: Okay. Next speaker is terren Merrill here? What about Tony Rackley? Justin Perez? Do you want to speak?

>> Yes.

>> Mayor Adler: Come on down. Is Sabrina marts here? No? You're our last speaker, sir.

>> Okay.

>> Mayor Adler: You have three minutes.

>> Thank you. I want to thank the members of the city council for allowing me to speak today. My name is Justin Perez. I'm the office manager for J and J towing. I wanted to speak today to let you know that the people I work with are just regular austinites. We have families in this community, we raised our kids in this community and we love this

[4:14:04 PM]

community. I see this employment as an opportunity for my family and to share my observations about the companies we work for. I started J and J towing when I was 18 years old. I had limited work experience with my high school diploma. I worked an entry level position as a dispatcher where I learned work skills like conflict resolution, patience, how to use experience and data to perform my work best. The company I worked for invested in my training to -- for me to take on additional tasks and gave me experience in different fields. I started with customers at our cashier's window, but today I have experience facing clients, managing our office personnel, ensuring or compliance with state and local laws. This job is complex and challenging, but I think that J and J has offered me the ability to grow from a teenager with few job skills to a professional. I did I didn't know then that I was finding a career, but I am thankful for it now. I learn new skills from my

[4:15:07 PM]

--from my portfolio everyday every day. I didn't think I'd be addressing city council when I was training on cars. I've paid or credit card and educational debt, I've received financial planning during regular

interactions with my ownership. I work in an industry that so many people look down upon or misunderstand, yet I feel fortunate. This raise would mean a lot for my family and I can tell you that it's the truth that financially, this raise is necessary to pass on additional benefits to me and my coworkers. Because I see the books every day, I can also tell you that when my boss said he has already allocated this raise to invest in the company and the people who work with me, that is the truth. And I have been a part of that planning, which is something I never thought I would be a part of. As much as the money would mean for my family and the families of my coworkers, it would be a statement by this council that what we do for a living isn't

[4:16:09 PM]

just somewhere worthless job, that there's value in the service that we work so hard to provide to the city. Thank you for your time.

>> Mayor Adler: That brings us back to the dais. Is there a motion? Councilmember Renteria. Move passage of this item, and seconded by the mayor pro tem. Discussion? Councilmember kitchen.

>> Kitchen: I'm going to support passage of this item. I just want to thank everyone involved for the process of going through a towing fee study and coming back to us with a fee that's based on that study.

>> Mayor Adler: Okay. Councilmember Casar.

[4:17:09 PM]

>> Casar: Mayor, I absolutely respect the hard work that everybody has done in this city and appreciate folks coming and speaking up about the folks that work in their industry. I'm going to be voting no because we raised the fee to this level for public tows for a particular reason, at least for myself, and that reason was that there is a specific public interest about incentivizing quick participation and getting folks off the road, if there's a crash, if there's a public purpose, and I think it makes sense for us to have a lower fee for when it is a private purpose, and so I think that's why we wanted to of these -- wanted to have these tiers. In fact, I somewhat reluctantly agreed to raise the booting fee from \$50 to \$100 because we wanted the booting fee to be closer to the private towing fee in order to incentivize booting but in this case we were asked to raise the booting fee to incentivize booting over private towing, now we want to raise the

[4:18:10 PM]

private towing fee and likely eliminate much of that differential, ultimately just increasing the fees across the board, so that's ultimately why I'm voting no. I understand everybody's position on this, and I don't think it's a clear-cut issue, but that's why I'm voting no.

>> Mayor Adler: Any further discussion before we vote? Councilmember tovo.

>> Tovo: Yeah, I agree with my colleague and I won't be supporting it either, and I'm not sure if the letter we received -- we had reached out to our contact in U.T. Student government and I'm not sure if that person wrote to everyone on council, but the U.T. Student government is opposed to this increase for -- because it does have high impact on students in that area who are many of the people getting ticketed and towed.

>> Mayor Adler: Okay. Item number 41 has been moved and seconded. Let's take a vote. Councilmember harper-madison?

>> Harper-madison: I have a question. It was brought to my attention that we hadn't raised the fees for private towing entities since

[4:19:10 PM]

2006. Can anybody confirm whether or not that's the case? Or no? Hello.

>> Good afternoon. I'm assistant chief, A.P.D., that is correct, 2006 was the last time it was raised to \$150 where it's currently at.

>> Harper-madison: Thank you. I appreciate that. In which case the discussion I'd like to contribute would be -- we have to take into consideration how much our cost of living has adjusted in the last 13 years. That's substantial and relevant, and I know nobody likes to get towed. It's a terrible fact of life. But, bright side, this is a good opportunity for us, as a municipality, be thinking about how we can get more people out of cars. So thank you. I appreciate it.

>> Mayor Adler: Those in favor of item 41, please raise your hand. Those opposed? Councilmember Casar and councilmember tovo voting no, the others voting aye with councilmember alter off the dais. That passes, 41.

[4:20:12 PM]

Let's take care of a couple housekeeping matters real quickly. Item number 96, I think needs to be reconsidered and repassed with a different day. I think we postponed that to the wrong day. Is that correct?

>> That's correct. It was postponed to October 3rd, it needs to be October 17th.

>> Mayor Adler: It was postponed to October 3rd, it needs to be postponed until October 17th. Is there a motion to reconsider? Councilmember tovo makes the motion to reconsider, seconded by councilmember pool. Any objection to reconsidering? Hearing none, we're going to reconsider. Is there a motion to pass this item number 96, postponing it till October 17th? Councilmember tovo makes that motion, seconded by councilmember Ellis. Any discussion in yes.

>> Casar: 96 which sets a public hearing?

>> Mayor Adler: We set it to the wrong day.

>> Casar: We're not postponing it, we're setting the public hearing to a day.

>> Mayor Adler: I'm sorry, I said it wrong.

[4:21:13 PM]

Thank you for correcting that. We are setting it, instead of October 3rd, setting it to October 17th. Thank you. Those in favor, please raise your hand. Those opposed? Unanimous on the dais, 96 is taken care of. Then, Jerry, I think you have a couple things that you need to read into the record or we need to change what we did.

>> I have 2. Item 131 was pulled, we need to meet with them, two speakers have changed their mind, we can go ahead and postpone 131 to October 17th.

>> Mayor Adler: Okay. Any objection to postponing this to October 17th? Hearing none, item number --
>> 131.

>> Mayor Adler: 131 is postponed to October 17th. Okay.

>> And mayor also on 132 which passed on consent, it was included in your backup but it was not able to make into the ordinance in time, so just for clarity sake if I could get a motion on 132 for some additional uses to the prohibited use list,

[4:22:14 PM]

this is an agreement between siff and Riley, the property owner.

>> Mayor Adler: We'll consider it then read it into the record is probably the way to do that. Is there a motion to reconsider the vote on item number 132?

>> 2. Yes. Councilmember pool makes the motion. Councilmember Ellis seconds.

>> Tovo: I'm still recused on this and the next --

>> Mayor Adler: Okay. Noted. Any objection for reconsideration? Hearing none, it's reconsidered. You want to read it into the record? Assist 132 with the following additional prohibitive uses, bail bonds, cocktail lounge,

[indiscernible] Liquor sales, outdoor entertainment and south door amplified sign.

>> Mayor Adler: Okay. With that, is there a motion to approve 132 with that note? Councilmember pool makes the motion. Is there a second to that motion? Mayor pro tem seconds it. Any discussion in yes, Mr. Flannigan?

>> Flannigan: I'm going to vote no because these use restrictions

[4:23:14 PM]

at the last second relocation package bug me so I'm going to take a no vote on this one.

>> Mayor Adler: Okay. Let's go ahead and take a vote. Those in favor, please raise your hand. Those opposed? With Flannigan and Ellis voting no, councilmember tovo not taking a vote, that item passes.

>> Passes on all three readings.

>> Mayor Adler: All three readings and with alter off the dais, so it was 7-3-1. 7-3-1. The vote was 7-3-1. Mr. Flannigan, I think it was 7-3-1. Seven in favor, so it passes on all three readings. 7-3-1. Passes on all three readings. Okay. So, let's keep boogieing here.

[4:24:15 PM]

29 we took care of. Let's take up item 37 and companion matter, 146. 37 and 146. Mr. Flannigan, do you want the make a motion on these?

>> Flannigan: I move adoption of both item 37 and item 146.

>> Mayor Adler: Okay. It's moved we adopt 37 and 146, is there a second to that? Councilmember tovo seconds that. All right. Councilmember harper-madison seconds that. Mr. Flannigan, I handed out two things that I think are in agreement with you. I handed out something that was entitled at the top item 146,

[4:25:16 PM]

Adler amendment V 2 to resolution v3 and the purpose of this was just to clarify for some of the folks that had worked on the plan that the priorities of the plan would still be honored even if, as you were

talking about in terms of reconfiguration, other things might be considered. Are you okay accepting that?

>> Flannigan: Yeah, I think we're all on the same page of what we want to do. The language, if that provides calculator to other folks, I think that's fine.

>> Mayor Adler: Okay. I handed out yesterday a direction, I think it's also okay with you, I think you even mentioned it, that there was some consideration of a potential performing space, there was some people that were thinking that because only a large thing had been mentioned, that it could be large, it could be small, we weren't deciding any of those questions now. That would get into the actual programming and the later work, so it was just a direction for the city manager to consider

[4:26:16 PM]

flexible space of various use options for potential blacks box theaters, part of the work that was being done. I think that's consistent with the work.

>> Flannigan: I think that's the intent, but what I heard from the commission last night was that they wanted those debates to happen at the design phase and not be directing that into this process.

>> Mayor Adler: So I don't need to be making that direction as long as it's going to be part of the conversations that happen.

>> Flannigan: Of course.

>> Mayor Adler: Any other discussion?

>> Flannigan: We have speakers.

>> Mayor Adler: All right. Now it's in front of us all, let's call up the speakers. Is Christine Wang here? You have time donated by melody Cheng. You have five minutes. Oops, we don't have you on.

>> This one?

>> Mayor Adler: Know, you're fine, they just have to flip the switch.

>> Hi. My name is Christine Wang.

[4:27:16 PM]

I am representing myself and I'm also advocating on behalf of Austin's Asian American pacific island artist community. I am an artist, I'm a playwright, screen Wright, actor, producer, story teller, poet, lots of stuff you do on stage, I do that. So do my friends. I go to three to five to six performances a month. We pay each other's tickets. They pay to go to my stuff, I pay to go to their stuff. We're a community. That's how we do it. And the tickets are about \$15 a pop. So we don't make money doing this, we do it

because we care and it's part of the culture. And that's how you build and sustain and preserve culture is you put it out there. What you already know is that there is a performance venue crisis in Austin. I've experienced that firsthand. My very first play was on the ground floor theater. Ground floor theater shut shortly after that. I performed at salvage vanguard theater, that shut down, off center shut down. Now we're at the point where we can dream and wish and say what

[4:28:17 PM]

do we want in the Austin -- in Austin's Asian American resource center. The community came together, I participated in that community engagement process, and we said we want a performance space and some parking and some other stuff. Maybe a tea room, I don't know. I didn't say the tea room. And so here we are. I participated, so did my friends in those meetings, in those surveys, at the Asian American quality of life commission meetings. And then we were like, hooray! We're going to come to the city council meeting on September 19th to see everyone pass and approve the master plan. I just want to tell you from the perspective of my perspective as a lay person, I'm an attorney during the day. I'm a senior council for contracts and procurement at a state agency. I deal are rfps and historically underutilized businesses. I deal with all that kind of stuff and at nighttime I put my kid to bed, that's when I write, that's when I rehearse and do my

[4:29:18 PM]

stuff. When I read the resolution, it was confusing to me because it seemed like it came in at the end, there was something that was posted on a meeting board on Friday, the resolution was posted on a Monday, and it talked about public/private partnerships, retail space, outlet stuff, and it didn't say anything about the performance space, which made me nervous that the narrative of developers coming in, building condos instead of performance spaces is going to repeat itself. I saw that happen with the other theaters, and I didn't want it to happen here. So I applaud councilmember Flannigan for meeting with me. We were able to talk about this. I submitted some amendments. One thing I don't see is that I had the city manager complimenting the aarc master plan to include yada, yada, yada

[4:30:19 PM]

and what was put forth today was that the city manager shall consider expanding the master plan, and that's what confused me is because this was a year-long community process, and it's -- and you're able to put an expansion to that master plan a few days before the vote. That's what was confusing to me. And I think I expressed that to councilmember Flannigan. So I just want to put on the record or whatever you do here, on the stage or whatever, that I care about this, so do my friends who are poets, filmmakers, dancer, singers, drag queens, Asian American artists making it work, while we have day jobs,

that's what we look like during the day but after 5 o'clock we turn on another life and we want to space to live that.

>> Mayor Adler: So to that end, when my conversations with councilmember Flannigan, I think he had the same understanding

[4:31:20 PM]

that you had. I wanted to make that explicit. So I've handed out an amendment that Mr. Flannigan took just a moment ago that went to that language, about expanding in that section, and changed the language so that it now reads, the city manager shall consider expanding is stricken, and it says integrating the aarc master plan with a redevelopment plan for the Rutherford campus, maintaining the aarc plan priorities.

>> Okay. And I think if that -- my understanding is correct, that does not deprioritize that performance space if some public/private developer came in, they couldn't put the performance space all the way to the bottom and something like condos all the way to the top. Is that a good understanding?

>> Mayor Adler: I think what it means the priorities as set in that plan will be maintained.

>> Okay.

>> Mayor Adler: The priorities set in aarc plan would be maintained.

>> Okay.

[4:32:21 PM]

>> Flannigan: Mayor?

>> Mayor Adler: Yes.

>> Flannigan: Thank you, Christine, for taking time to meet with me and attend the meeting last night, quality of life meeting, too. I think it's very clear from this council that you will have certainly my commitment and I imagine the rest of the council's commitment, there will not be a deprioritization of the center. This is a city project. We're not giving this away to somebody, it has to come back to council approval. The performance art space is a priority. Nothing is going to get replaced from the master plan with condos. It's not going to happen.

>> I appreciate you saying that here and then on the television. Because I'm going to get the link understand -- link and send it to my mom.

>> Mayor Adler: The same change is made in the last resolve clause as well on page 4.

>> Okay. I appreciate all of you. Renteria, we did that contest with the Austin chronicle. I don't know if you saw the link but it was very hot, and I appreciate you, Ann kitchen for all you did during that Uber lift debacle. I was right there with you, girl.

[4:33:23 PM]

And Natasha harper-madison, I am 42, my hearing is going, so are my knees so I relate with you and everyone on this dais, I guess, or the uplifted stage, Greg Guernsey -- Greg Casar, you came to our Betty fest, I appreciate you for that. Ms. Alter, I didn't know you till today. Paige Ellis, I'm in your district. Hi.

>> Ellis: Nice to see you.

>> Mayor Adler: I'm chopped liver I guess. Liver.

>> Mayor Adler, you took a picture with my daughter, and I posted it on social media.

>> Mayor Adler: Is Gus peña here? What about Andrew Lee? Mr. Lee here? Let me also go to -- let's see if there was someone else, same speakers. All right. So we're back up to the dais. We have a motion and a second. Any further discussion?

[4:34:24 PM]

Councilmember Flannigan?

>> Flannigan: Thank you, mayor. I just want to thank my colleagues and my co-sponsors in the community and the Asian American quality of life commission for all their hard work. This is definitely not something that we've only been working on for a couple of weeks. I've been attending the meetings and going to the master planning meetings when staff didn't schedule them on council meeting days, which sometimes they did, but the plan has always been to respect the priorities that are in the master plan, actually get this thing built, and with expanding the work to include the Rutherford campus, we can actually solve a lot of our city's issues, especially with city office space, which I know is something we've all talked about before. But at the very ce, this is about getting the Asian resource center complete and it no, sir taking 30 years, getting it done the right way and getting it done in a way that can be financially sustainable for the future. Thanks to everyone who's participated. I'm very excited to see this thing move forward.

>> Mayor Adler: All right. Let's take a vote. Those in favor of items 37 and

[4:35:25 PM]

146, please raise your hand. Those opposed? It's unanimous on the dais. Those two items pass. All right. Let's call up item 84 here. This is the animal services item. Item 84. We have several people signed up to speak. Do we want to just start with them?

>> Pool: I think that would be fine. I do have some comments to answer some questions that have arisen.

>> Mayor Adler: Do you want to speak first or go with the public?

>> Pool: I can go with the public.

>> Garza: Mayor, it's my understanding there will be a motion to postpone so I'm wondering if we ask speaks to speaks on that?

>> Mayor Adler: There's going to be a motion to postpone? Okay.

>> Harper-madison: I'm sorry, can you repeat what you said? You said not a motion to postpone?

>> Garza: It's my understanding there would be a motion to

[4:36:25 PM]

postpone.

>> Mayor Adler: Let's do that. Does someone want to move a motion on item number 84? Mr. Flannigan.

>> Flannigan: To postpone.

>> Pool: Okay. I'll speak to that.

>> Mayor Adler: Okay. Mr. Flannigan is moving to postpone this item 84 till --

>> Flannigan: The next meeting.

>> Mayor Adler: October 3rd. Is there a second to that motion?

>> Harper-madison: Again, I'm not here the 3rd and I also was going to move to postpone it. I have some questions and I think there's some points of consideration that haven't been met for me, in which case I would respectfully ask that we move it to the 17th.

>> Mayor Adler: Okay. Objection -- the motion is to move this to October 17th. Is there a second to that motion? Councilmember Renteria seconds that motion. Okay. It's been moved and seconded to postpone. Let's have a conversation about the postponement, then we'll give people in the public a chance to speak to that issue. On the dais, Mr. Flannigan first.

>> Flannigan: So my staff has reminded me that when we talked about this last night, my hope was that the animal services commission would have another attempt to talk about this item. I'm not sure if staff can confirm

[4:37:26 PM]

when the next animal services commission meeting is. I don't know if any staff knows when that's happening. But that was what I was hearing from my commissioners was that he felt that there hadn't been enough public testimony at his commission meeting and that's what I wanted to honor. So the 17th may also be too soon if there's not an animal services commission meeting in the interim.

>> Mayor Adler: Take your time.

>> Good afternoon, councilmembers, Jason Garza, deputy chief animal services officer. The next animal advisor meeting will be October 14th.

>> Flannigan: Animal advisely, so

--animal advisory.

>> Mayor Adler: The motion is to most of this until October 17th. Discussion? Councilmember pool.

>> Pool: I would like to proceed with the item. It's been posted since September 6th, so it's been out there for a fair amount of time. It was taken up at the animal

[4:38:29 PM]

advisory commission. We checked the votes and it looked like there was there was one a be extension and everybody else voted for these recommendations, and that was in August, August 12. I've got the minutes here, I can pull them up in case anybody wants to see them. We've had several conversations with animal services staff and legal staff. We've worked hard to finalize and Polish the language that we have here. There's additional language that I have not included here because I feel like it does need further discussion at the commission level and with staff. I also can't speak for Mr. Bland. I don't know if don bland is -- there he is. Thank you for coming today. Our new animal services officer. I know he's committed to keep working with the animal advisory commission and other stakeholders to continue the work on updating the code.

[4:39:30 PM]

It needs to more fully align with our current practices and policies, and Mr. Bland, would you -- when I'm done with some comments, maybe you would like to come down -- come down and speak to this? Mr. Flannigan, I do have the minutes for the August 12 advisory commission meeting and the amendments. I'm happy -- okay. Great. The votes were 10-0-2 on all but one of the five amendments and one amendment was a 9-0-3 vote. So we've also incorporated some of the work that came out of the

commission more than a year ago, so again, at least from the council's -- and I don't think we've rushed through this at all. Mr. Bland?

>> Don Bland, chief animal services officer. Not being here for a lot of this, there's a lot of history that I don't know, so I don't know how long you've been working before I got here. But I appreciate councilmember Pool's office because we we

[4:40:34 PM]

worked together and added some language last minute in helping us better be able to control some of the people that would want to pull animals and for their safety, public safety, and so as it is written currently, it's something that we can support and start working with, and then continue to work on it in the future.

>> Pool: That's great. Then I also wanted to -- let me zip up here. Thank you, Mr. Bland. You might want to hang around. There may be some other questions. Let me roll this back up to item 84. There were a couple of points that I wanted to make that this ordinance change does it prevents unnecessary euthanasia of impounded animals. It enhances and strengthens sterilization protocols and policies for dogs and cats. It enhances existing reporting policies, and it gives support to

[4:41:34 PM]

the animal advisory commission to provide more effective oversight of the city's regulations and policies, all things that I think we can agree are useful and necessary. I may have some more comments later, mayor, but we may want to hear from others in the community who would like to speak.

>> Mayor Adler: Okay. Are we ready to hear from the community? This is on the question of postponement in front of us. Is Sandra Mueller here? Do you want to speak on whether this should be postponed or not?

>> [Off mic]

>> Mayor Adler: I'm sorry?

>> I think it should be postponed.

>> Mayor Adler: Okay.

>> Pool: And then, mayor, just to confirm that if it is not postponed today, folks can also come back up and talk to the merits of the item. So please don't leave.

>> Mayor Adler: Is Liz Carrasco here? Do you want to speak on whether or not it should be postponed?

[4:42:35 PM]

>> [Off mic]

>> Mayor Adler: Okay. Why don't you come up to the microphone so the people on the record can hear you.

>> Tovo: Mayor, I wonder if we could hear --

>> Mayor Adler: I'm sorry, what?

>> Tovo: I was just wondering, are we going to hear from everyone who wants to speak on postponement or just one on in other words.

>> Mayor Adler: We're going to hear from everybody who wants to speak on postponement.

>> Tovo: Oh. Okay.

>> Pool: But the presentations wouldn't be necessary at this point. I'm not sure --

>> Mayor Adler: So the only question right now is -- the only question is on postponement. Do you want to speak -- can you come up to the microphone and do it? Because people watching this on TV can't hear.

>> I would appreciate a postponement on the issue for sure.

>> Mayor Adler: Okay. Thank you. Brenda Collier? Do you want to speak on the question of postponement?

>> I do.

>> Mayor Adler: Come on down.

[4:43:36 PM]

>> My name is Brenda Collier. I'm an attorney. I represent -- can you hear me? I represent a rescue group. We rescue, as a rescue partner, and we want to be heard on this issue if we can today so we're against postponement. We work with the dogs that are killed most frequent for behavior, and they're being killed at a high rate every day so we want to hear this today if we can.

>> Mayor Adler: Okay. Thank you. Is Ryan Clinton here? Ellen Jefferson is on deck. Would you like to speak on the question of postponement?

>> Yes. Thank you, Mr. Mayor. The -- I think the process answers the question as to whether there needs to be a postponement. The only controversial aspect of this ordinance, change, the only slightly controversial one was

[4:44:37 PM]

passed by the animal advisory commission a year ago. More than a year ago because I've been on the commission about a year and it happened before I was on the commission. It passed unanimously. There may have been an abstention or two, I don't know, I wasn't there but I know it was unanimous. It's been talked about for a year. The council has, I think, actually on the -- at the animal advisory commission staff said two or three months ago that council was going to -- they announced that council was going to be considering the rescue access bill. So it has been in the public debate for over a year. It's the -- it's literally the only arguably controversial aspect of this, and it has been unanimously passed by the commission. And discussed, completely. With respect to all of the small code edits that were passed, not this month but last month at the commission, they're very small, they're very short. Anybody can read them. It would take more time to

[4:45:38 PM]

complain about the need for more process than it would to read them. And they, too, passed unanimously by the commission, including councilmember Flannigan, including your appointee, voted in favor of these. And we not only had that commission where it was noticed and voted on and discussed, we actually had another commission meeting after that. We had one this month. And there wasn't a single member of the public, and there wasn't a single member of the commission who asked for the item to be reconsidered. So I personally have had the worst week of my entire life. I spent Tuesday in the hospital with my baby, who may have a skull fracture. I spent the last three nights up with my four-year-old, who had trouble breathing, each of the last three nights, and I'm sorry if I'm not saying the perfect

[4:46:39 PM]

words, but it feels like a hit job, that these complaints are coming within 24 hours of this being proposed. And I know that it's a hit job because I know -- I'm told that an ethics complaint was filed against me personally, and yet law won't let me see it because I have to pierce it apparently. And that, too, is apparently being used as a reason to delay, that we filed this ethics complaint that this person can't see, so you've got to delay it. So out of respect for the process, out of respect for the commissioners who have given their time to this issue, discussed it, voted it, out of respect for the six weeks that councilmember kitchen and pool's office have spent on this, I ask that you please vote in favor, please proceed today. Thank you.

>> Mayor Adler: Thank you.

>> Hi. I'm Ellen Jefferson, executive director of Austin pets alive. And I'll keep it really short.

[4:47:40 PM]

I would like this to move forward today because we, as I've explained in emails to all of you in the past few months, there's literally nothing codifying what we do to keep Austin no-kill city. So the longer we delay this, the longer we have nothing in place to protect what is arguably one of the best things about Austin. And so I feel like it's fairly urgent because one postponement can lead to another, to another, to another, and the things in here are so basic they should have been part of the 90% resolution ten years ago, but they weren't, and this is our opportunity to at least get something in the animal code that then will help protect our status as a no-kill city. It can always be amended later, added to, made more full. There's lots that I would even like to add, but I think today our hope is that at least something can be put into place. Thank you.

>> Mayor Adler: Okay. Thank you. Is Nicole Clark here?

[4:48:42 PM]

What about pat? Come on down. You have time donated from Shelly.

>> I would like to request postponement, and I would like to disagree with the word "Debate" being used, and any discussion being used. There was no debate and there was no discussion. A year ago when one of the provisions of this was brought before the animal advisory commission, the item that was posted did not clearly delineate what was being posted and what was about to be discussed. When that item was discussed, there had been no documents that had been passed out and there had been no information to give anybody the idea that it was going to be discussed. I would have attended the meeting, I would have objected to it, and I would have argued

[4:49:42 PM]

against it. But it was not posted, there was no information shared on it, and it was passed. The item then didn't move forward, so I didn't think there was any need to discuss it. When I heard it was going to be brought up again, I tried to get a copy of it. It wasn't available yet. And the most salient thing in that provision, you have fixed, and I appreciate that. You have made rescue organizations now have to be approved. And I very much appreciate that. I also requested that the word "Severe" be removed from severe physical injury, and I also requested that the word "Unprovoked" be removed from a provision, and those changes have not been made. I am willing to live with those changes not being made, but I want to clarify for the record, there was no discussion of that. None. And I was able to get the changes thanks to being able to speak

[4:50:43 PM]

with you and getting those changes made. Now, as for the provision -- provisions that were changed last month in August, there was no posting that there were going to be code changes. There was no ability to speak to those code changes. And you are changing nine sections of the code without ever it having been posted that there were going to be code changes. There was an item that said life-saving was going to be discussed. Well, that had been on the agenda every month for the past 12 months, and no one interpreted that as being about nine code changes. Every single one of those code changes has something that could be discussed and could be made better, and I don't see the reason why we can't have a posting that says we're going to change nine sections of the code, and whoever wants to speak to that can come forward and speak to it. I think that is a process issue that you would not do that on

[4:51:43 PM]

city council. You should not allow the animal advisory commission to do that. So I respectfully request postponement.

>> Mayor Adler: Okay. Annette?

>> Hi. I respect -- I would appreciate postponement but I'm also donating my time to Liz Carrasco so I'm not speaking.

>> Mayor Adler: Okay. Is there anyone else that wishes to speak on the question of postponement that I haven't called? Come on up. You already spoke, I think.

>> Yes. I was interrupted and if you would have allowed me, I can actually show a video of the two commission meetings that were held where there was no public input. So you guys can see how the items

[4:52:43 PM]

were brought. So if you could just -- thank you.

>> Mayor Adler: I think when she came up, I think it was a fair inference that the only thing she could do was say yes, I'm in favor of it or no, I'm not. So I think in fairness I think we should give her the time to be able to speak. So do you want to speak to this -- you want to --

>> I would like to watch the video.

>> Mayor Adler: Okay.

>> I did prepare a speech

[inaudible]

>> Mayor Adler: You're allowed to speak if you want to but on the question of postponement, not on the merits of the issue.

>> I can speak on the postponement. Like I said --

>> Mayor Adler: And if it's not postponed, you'll have a chance to speak on the merits.

>> If it's for the postponed. But I think if we watch the video, you guys can see that you truly did not allow --

>> Mayor Adler: You can do that in your time.

>> Anyone else.

[Video playing]

[4:53:47 PM]

>> A companion animal protection act that has been rolled out across a few other states too that have this ordinance statewide and multiple cities across the country. So I think it's something that made me realize that this is a lack of policy, lack of ordinance, a lack of memorializing a practice that we intend to have in Austin. So there's a draft that has been signed off on by a couple of attorneys, but of course city legal can take a draft and do whatever they want with it, so we don't know, with stake holder input, of course, as they always do. But I'm happy to read through the current draft in its current form, and then what I would like to do at the end of this is get a vote to move this draft to council for them to then put their spin on it and move it forward, or not move it forward.

[4:54:50 PM]

So, chair if you're okay with it, I'll read through.

>> I have a question. Just -- I hadn't -- I appreciate you reading it. I wonder if we might have a written version, maybe there are other versions out there. Do we know this is the version we want? I'm not questioning your expertise, I'm just saying I literally don't know.

>> I was going to say, I mean, I think we can go ahead and vote on it because as you point out, it's going to get revised and revised and revised. But I would like, if you could, Larry, maybe to send something to Belinda just to distribute to everybody once we've ended the meeting this evening. That way you've got it in front of you and we'll now what we started with and kind of what's going to go through council -- or through legal, how it's going to come back, I don't know.

>> Can I make a comment on this?

>> Not right now, I'm sorry. You have to -- you have to have signed up for this item.

>> I want to be clear then,

[indiscernible]

[4:55:50 PM]

>> Okay. Well, right now we're going to call -- we're going to call it for a vote and we'll take that up. All in favor? Any against?

>> Actually, I'm abstaining because I would really like to have the document and like to have given time to read, to read it in case I had any questions.

>> Okay.

>> I feel like I have to abstain as well.

>> Okay. I don't know how many, we have ten people here tonight, I think we have eight four, zero against, two abstentions.

>> Would you be okay with bringing this back next month so we can have a look?

>> We can. My only issue is that council offices have asked for me to report become as quickly as possible, including tonight if we can pass some of the stuff that I have on my list. Request that we vote on it tonight. I don't think it's a lot and the council wants it so I'm hoping that we can.

[4:56:51 PM]

>> I'm going to call a vote. I'm just going to say that I'm going to abstain because I think it's highly unusual to get an ordinance change played right in front of you. I'd like to read things and digest it. I guess as long as it passes, it won't be a big deal, but I have -- I have objections on principle just -- I'd like to have -- you know, usually there are working groups and stuff and I appreciate the time crunch that you've also seen, how long it takes some things to get put down. But anyway, all right, all in favor, just raise your hand. Let's do it that way. Opposed? Okay. So I'm abstaining and Isabel is abstaining.

[End of video.]

[4:57:54 PM]

>> As you can see, these issues were brought about right at the end of both meetings, so, no, there was -- nothing was posted. There was clearly no public input, and so I think you guys are rushing through this ordinance, and I would respectfully ask that you please postpone this and send it to the committee.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Those are all the people that signed up. We're now back up to the dais. Mayor pro tem.

>> Garza: I would -- I will likely support this if it's not postponed, but with some possible changes, but that being said, some of us -- I know all of us are feeling this. Some of us got home late Tuesday evening from a chamber trip. We had a meeting yesterday. I haven't had time to digest the specifics. And my appointee is the chair who made those comments at the end, and asked that I support a

[4:58:55 PM]

postponement because of some of the concerns of feeling that it -- there was not time to digest it. So that's why I will be supporting a postponement if that does not pass, I'm happy to of discussions about what we were discussing.

>> Mayor Adler: Further discussion? Councilmember Ellis?

>> Ellis: I also -- I don't have any red lines to make on it, but as someone who was newly appointed in January, my commissioner wasn't at that meeting and hasn't had an ability to weigh in on it, and I really would appreciate her having the opportunity to do that. So that's why I would support a postponement at this time..

>> Mayor Adler: Councilmember pool.

>> Pool: I would just like to say that I appreciate her bringing the video. It was edited and you edited it so that the points that you wanted to make would be really clear, and I think you did a good job.

[4:59:58 PM]

There was significant conversation at those meetings, one in June of 2018 and again in August of 2019 that wasn't shown on this video, but that we can also watch. And there has been significant conversation in the community in this entire time on the companion and animal protection act. And I would urge us all to move forward with this today. Everyday that we don't pass this, there are more animals subject to euthanasia that wouldn't otherwise be if we were able to put these pieces of updated code that is again simply a lining with the direction -- aligning with the direction of this dais of this city for many, many years. No-kill has been an exceedingly important policy for the city of Austin and I ask for y'all's support for this because this moves forward and codifies those aspects of no kill that have

[5:00:59 PM]

been left a bit vulnerable in the past because we haven't been able to tie them down. And I am appreciating that Mr. Bland is here and he will be able to direct the additional follow-on conversations that will need to happen because we are not done. We are only just beginning the conversation with these changes. There will be more to be made, more changes to be made, and I look forward to a really robust stakeholder involvement with the animal services commission, and with the council once we get this nailed down and move forward with the next pieces of this important work that are ahead of us. So please let's move forward with this today and I thank you all. My co-sponsors, councilmember kitchen, councilmember tovo and mayor Adler, I really appreciate your support in helping us take this first step in

[5:01:59 PM]

lining our code with our no-kill policy. Mr. Bland is fully committed to this policy, and so I ask you all not to postpone today.

>> Mayor Adler: Further discussion on the dais? Councilmember tovo.

>> Tovo: I appreciate the community members who have participated in this. I'm going to support moving forward today. I'm not clear on -- it was posted in a timely fashion. Can somebody help me understand what the -- I guess I would appreciate hearing from my colleagues what additional information we're looking for. Councilmember Ellis, I know you mentioned hearing from your commissioner, which I appreciate. Are there other pieces of information that would be helpful at this point?

[5:03:00 PM]

>>

>> Harper-madison: There's language here that I'm not comfortable with yet and I don't feel like I've had the opportunity to have substantive dialogue with folks who are considerably more well versed in the issue. For example, I should start by saying, make it very, very clear that I support our commitment to being a no-kill city, but I want to make sure it's not just a feel good label. I want to make sure that we're doing the right thing, which includes the compassionate treatment and mane treatment of cats and dogs in our shelters, and just sort of hearing some of the stories about conditions and lack of potty breaks, lack of walking. I have lots and lots of questions. But specifically the language that was troubling for me was-- the language that infers that the spaying of a pregnant dog is comparable to that of euthanizing a born animal. I have a lot of trouble with that language.

[5:04:01 PM]

And so I just would like for us to have more opportunities to as a body really talk through this and make certain that everybody feels like we're moving in the direction we should by way of us having had real robust, thorough dialogue.

>> Mayor Adler: There's a motion to postpone. Any further discussion?

>> Tovo: Thanks for that. I appreciate that level of gale. If it is postponed that helps with the areas that need focus.

>> Mayor Adler: Those in favor of postponing these raise your hand? Renteria, Ellis, the mayor pro tem, harper-madison, Flannigan. Those opposed to postponing please raise your hand? It's one two three four five six -- to five. It's not proposed. Mr. Flannigan.

>> Flannigan: Councilmember tovo, can you help me understand the things you're looking for to support a postponement from a colleague's request?

[5:05:05 PM]

>> Tovo: Councilmember, I appreciate councilmember harper-madison' raising of the issues and I'm going to take those into account as we hear the testimony. We've had a couple of differing conversations here today about supporting colleagues. If there's going to be a standard to support our colleagues --

>> Mayor Adler: I'm going to move us off the debate on the dais on the question to postpone. We took a vote. Let's move on to the merits of the issue. We have people to speak on the merits now. Let's go ahead and call people to speak. Is Sandra Mueller here? Come on down. You have time donated from Kerry Sullivan. Is Kerry Sullivan here?

>> Mayor, council, I'm glad you discussed the postponement. I feel like it was rushed through as you saw in the video. I'm glad to also know that Mr. Bland had gotten involved and there were also

[5:06:06 PM]

two amendments in the last two days, so this is -- it's still being changed so I think it should be postponed. We should wait. We need a little bit more discussion. From the public and Mr. Bland. I think part 7 should be heard by the health and human services committee because the issues relate to animal welfare matters, dog bites and public safety. Part 7 is not about right to rescue. It's about allowing degrees with bite histories back into the community. It's about not trusting our veterinarians to make

euthanasia decisions and free animals from suffering because quality of life does matter. Section c-3 puts the safety of citizens of Austin and other states at risk. If your child or family pet was bitten but it was not considered a severe injury and that was brought up before, is it okay to transfer that animal to a rescue group? And severe injury is defined

[5:07:08 PM]

as broken bones, permanent disfiguring lacerations requiring multiple sutures or cosmetic surgery or other surgery or nerve damage. So it is really severe. So that would mean a puncture wound probably wouldn't apply. Spaying animals in utero. Is the mother pregnant, is she old, unhealthy? Was she impregnated by her brother or her father? Some members of the council support a women's right to abortion and call for boycotting Alison alter and so it doesn't make sense that a stray animal should give birth to litters of animals. Meanwhile there are hundreds of animals on the streets with rescues, with fosters that need object adopted. A pet finder search for within 25 miles of this zip code, 78701 locates 1.5000 dogs and 1.5000 cats, and that's an -- and 83 rabbits.

[5:08:08 PM]

Part 8's proposed requirements are burdensome and will likely put a hardship on the resources of Austin animal center. Hopefully Mr. Bland can help with that. Best friends animal society and Austin pets alive both use the format shelter animals count for their data. And I've got a form, a copy of that for all you guys and I don't see why aac shouldn't be using that format rather than this burdensome list. And within part 8 section 12 it's not factored data and should be stricken. And section 14 refers to a goal, which is not fact or data and should be stricken. So please send these proposals back to the animal advisory commission or the health and human services committee for careful review and public input.

[Buzzer sounds] Thank you.

>> Mayor Adler: Thank you. Liz Carasco.

[5:09:10 PM]

>> Thank you. Once again I would ask you to watch the videos, the whole video if you think I'm such a great editor. I really feel like this item is being pushed with too much urgency and the citizens, we have the right to know why. We also have the right to input on important changes to the city law. Let's see here... I would like you to postpone this. I would like to see this go to health and human services committee for more consideration. Please don't rush this ordinance as we are living the results of a rushed ordinance in the city. Not only is rushing this ordinance not fair to the citizens, but most importantly it is not fair to our animals. It isn't fair to the new animal service director that you hired. I

would like to add that a portion of the changes that you and Apa are proposing are -- they're similar to legislation that has failed to pass in seven states, including Texas in 2011 and

[5:10:11 PM]

in 2015 due to lack of support by national and state welfare groups including hsus. Mayor Adler's appointee to the animal commission participated in the defeat of these two bills. This type of legislation has only passed in two states and only in a handful of cities. One of those cities adopted an emergency ordinance in April of this year to repeal the ordinance that they had adopted in January. Saving educations in utero, I would ask you to really think about what the council may be implying. And I know you guys were tired from last night's meeting, but last night there was a report on dog bites from dogs that were adopted out from aac and Apa. So I would really like to ask you is where you place community safety. Does [indiscernible]

[5:11:11 PM]

Percentage take precedence over resident safety. I support no-kill, but I support no-kill that puts humane animal welfare before a number. Thank you.

>> Mayor Adler: Thank you.

>> Alter: Can I ask just one question, councilmember pool? There's a version three of this. It seems like some change, not for all of the items that have been raised, but some of those have been addressed in the version three. Is that correct? Is that version red lined? I'm looking for it.

>> I don't have a red line in front of me either.

>> Alter: I'll continue looking for it.

>> Pool: I think our legal staff could get us a red line.

[5:12:16 PM]

>> Mayor Adler: Version 3 is in backup on the computer on the site?

>> Pool: It's just not red lined.

>> [Inaudible].

>> Mayor Adler: All right. Next speaker is Brenda Collier. On deck is Ryan Clinton.

>> Mayor and council, thank you, and and thanks to everyone for their hard work and the animal commission for their hard work. I am opposed to this ordinance. Although I say that reluctantly. On one hand as I told Mr. Clinton earlier, because there's a lot of good in this ordinance, particularly the reporting requirements that there's a lot of work that needs to be done on this ordinance. And I don't think it's one that should be passed at this time for the reasons. Many of which I sent in an early morning email to each of you because I didn't get notice of this until yesterday and I was town working with the Dallas mayor pro tem and city council on similar issues.

[5:13:19 PM]

So my email that went out at 6:30 for you is not as complete as I would like it to be and I would like to make one correction to it. That is I had a question on the fee waiver issue, but I want to change that and say that we're in favor of the way that is written now. As I said, I represent a rescue organization called final frontier rescue group. We rescue the hard cases. Ironically yesterday the Washington post reported on the 47 dogs that were fighting dogs that were rehabilitated and all but one were rehabilitated. One had to be killed. Final frontier rescue takes the hard cases. We are an important rescue partner, but we've been shut out of this process. We've been ostracized from the process. I notice from a newsletter that the Austin pets alive director put out that they were able to meet with Mr. Bland three times in this process. We have asked three times to meet and have been refused a

[5:14:21 PM]

meeting with Mr. Bland and we do not know why. Although we think we know why because dogs are being killed out adhering to the no-kill protocol that we've repeatedly asked that be used. And then we ask to take the dogs and sometimes we're told yes, sometimes -- and then that is rescind and the dog is killed and that's what's going on. And we're very unhappy about that and we're shut on out of this process because we've raised too many questions and we're not liked as a rescue organization. So one of the things we've asked too change here is that two business days is not sufficient to allow us to put fosters in place and trainers in place and rehabilitate these dogs and commit to take them. So we've asked for seven days. We've also asked that in this resolution it be added that there shall be manned language from a legal perspective that the Nathan wentergrad no kill program be put in place for dogs

[5:15:24 PM]

that have issues that lead to bites and that are behavior issues. And that is not a place in the city of Austin. We want there in this resolution and we think that it should be. We also believe that all of the shelters on city property, including a Austin pets alive, should be subject to this and they're not.

[Buzzer sounds] Only Austin animal center. And we don't know why. So we vote against this resolution.

>> Mayor Adler: Thank you. Ryan Clinton.

>> Tovo: Mayor, while Mr. Clinton is coming up I have a very quick clarification for you. For our current speaker. So the email you sent us this morning you said do not delete B 1 and that was about the waiving of the fees. And what you're saying now is that you're --

>> I'm changing that, yes. Yes, we do. Thank you.

>> Mayor Adler: I didn't hear the answer because you were both speaking. What was the answer to the question?

>> Was there another question?

>> Mayor Adler: What was the answer to the question. You were both speaking at the same time.

>> The answer was on the fee waiver on part 4 aa we've asked that that stay as it

[5:16:25 PM]

is currently written.

>> Mayor Adler: Okay, thank you.

>> Ryan Clinton. Thank you again for the opportunity to speak. And I want to thank Brenda also. She and I had a good conversation earlier today and tried to work through all of the issues and she's awesome and that group does really important work. And they matter. So I'm glad they're here. One point that I want to make is that this was the result -- the rescue access, which seems to be the only thing that's controversial was the result of compromises over the course of six weeks. And final frontier is on one side of this debate and they think that there should not be exceptions -- there should be fewer exceptions to who they should be allowed to pull. And that's understandable. That's their position. They want to save every single dog they can, even if it has a worse bite history than what is accepted from

[5:17:26 PM]

this. And there are advocates on the other side who think there are not enough exceptions. We should exclude any kind of bite. We should exclude a nip or anything that draws blonde. So we have people on both sides of this debate. They're arguing in good faith. But what we did -- I didn't get everything they wanted in this. I don't think everybody got everything they wanted in this. This was the result of compromise over the course of six weeks and that's why you will hear from both sides of it. They want more, they want less. This was the result of six weeks of compromise working with staff. I also want to specifically note that staff worked very hard on this as well. Staff works through it all. They gave changes, we worked with them. They met with councilmember staff and they did a great job to come to

a resolution that works for everybody. With respect to the little things that I still haven't heard anybody are giving any reason to be against, vaccines on intake. How could you possibly be against vaccines on intake? How could you possibly think we need to discuss that more? Fee waivers saying that a rescue group should not be

[5:18:27 PM]

charged a fee. Rescue groups haven't been charged a fee since I've moved to Austin since 2000. Yet the current code suggested that they had to be charged a fee. How could anybody be against that? Why do we need more discussion to know whether rescue groups need to be charged a fee? There's no one arguing. There's literally no one arguing that rescue groups should be charged a fee. Transparency requirements. Some people are saying they want more transparency requirements. That's fine, we can add them later. But this is a long list and I'll tell you where I came up with that list. I came up with it from your no-kill implementation a plan that you guys passed in 2010. I took item by item the things that you said that the staff should be doing and made a performance measurement based on those things so they could report out her complying with your mandate that you passed in 2010. So again, how could anybody be against looking at the things that you want them to do to measure to see if they're actually doing them. Staff was given an opportunity at the commission to object to these things and staff said no, we agree, these are

[5:19:28 PM]

perfectly good things that we can -- that in fact we're already tracking. We're already tracking these things. Some not formally, some not automated, but we're already tracking them. How can we be against tracking things that the council has asked them to track that staff says they're already tracking. Why would we not want them to report something that you've asked them to do that they're already tracking? Finally with respect to rescue access, again, it was passed by the commission a year ago, there's been plenty of time to raise objections to process and no one has until 24 hours before this comes up. It is the result of great compromise and collaboration. I don't like everything in it. I don't think it's perfect, but I'm here for it to speak on behalf of community that did a lot of work to make it work as best as it could for everybody. If there are things that need to be modified later, if we find out that this doesn't work as written, let's correct it later. Let's just do that. We can do that. This is not set in stone. This is not the commandments.

[5:20:28 PM]

This is a code that can be revised if for some reason we discover this isn't working properly. And we will. We will be the first ones at the commission. And if people want more things, like more spay neuter we

can ask for that. We can go to the commission, we can ask for things. I'll specifically note two things on spay/neuter. On the list this is the first time ever that the city is being asked to report on how many spay/newtters it's doing. It's the first time ever that the city is being asked to report on how many spay/neuters it's doing for the money we give them. We have no way to know whether our partners are complying with our agreements or what they're doing until we find out. And it's never been reported. Also with respect to spay/neuters there was another slight alteration of the statute to say that upon the second impound meant of a stray whose owner has come to claim it we're going to spay/neuters it. There's not a single person that I've ever heard speak dependence this. It is the result of a community 100% of it. There are people that want it to be on the first impoundment and there's a

[5:21:29 PM]

big fight about that, but there was no fight about whether it should be on the second impoundment because everybody agrees if it's a repeat offender. I last want to speak on the in utero. This is not a right wing recognition. This is simply saying --

[buzzer sounds]

-- If the rescue group wants to save a pregnant animal they can. That's it. It's very simple. Thank you very much. I hope you pass it.

>> Flannigan: Mayor?

--

>> Casar: Mayor? I appreciate everybody's hard work on this up to this point and I was pretty comfortable on voting on it today which is why I initially voted on postponement. Now with new amendment language from my colleague who I know cares hate about this, but I just don't have that much information on it. I know we're all trying to get out of here and also with recognition that I think we need to try to address the final issue Mr. Clinton brought up, the in utero issue, I would like for us to reconsider the postponement because I think it -- a lot of these things could get hammered out over the course of the next month

[5:22:30 PM]

and hopefully we have aymaran tied front.

>> Mayor Adler: Councilmember Casar moves to reconsider the motion. It doesn't require a second.

>> Pool: Mayor, I wanted to speak to the amendments that we got on the dais. I think in response --

>> Mayor Adler: Speak about them in the context of the reconsideration?

>> Pool: Right, yes. Specifically to that. I think in recognition of the fact that what we have in front of us, the version 3 had been to the Amy commission, the animal advisory commission on at least two dates, if not more, but this amendment, which I may support, hasn't, I was going to recommend that any amendments that we may come up with today go through the commission because that's how this document got to us in the first place. So I think that may take care of your concern. I think my staff was going to speak to councilmember harper-madison's staff to

[5:23:30 PM]

know that would be my request. That any amendments to this document today also go through the animal advisory commission.

>> Mayor Adler: There's been a motion to reconsider. Further debate on the motion to reconsider the vote on the postponement? Let's take a vote on the motion to reconsider. Those in favor of reconsidering the vote on the postponement please raise your hand? It's Renteria, Ellis, the mayor pro tem, Casar, tovo, harper-madison and Flannigan. Those opposed raise your hand? The ayes have it. The motion is reconsidered. We're going to reconsider it. Now there's a vote on the motion to postpone. Any further discussion on the motion to postpone until October 17th is the motion. Councilmember kitchen.

>> Kitchen: I just have a question whether if we could advance the ball by at least -- I'd have to ask the sponsor what she thinks of this, but at least moving

[5:24:32 PM]

forward with a first reading. I think that there's agreement on the dais that we need to move forward and the resolutions that go forward as councilmember pool suggested. And perhaps those go through the process and then we'll be ready for second and third reading.

>> Pool: I'll be amenable for that.

>> Mayor Adler: The motion on the floor is for --

>> Kitchen: You can't amend

>> Mayor Adler: You can't amend to vote that down. You have to do it on first reading.

>> Harper-madison: Mayor Adler, so while I only put forward one amendment, I would be going into this process with multiple concerns. Going through this document I have lots of concerns and going through this document that talks about the new to return program, I have lots of concerns. I really think as opposed to us making any motion to move forward we really need to talk this through more.

[5:25:33 PM]

I would respectfully request that.

>> Mayor Adler: The question to postponing to October 17th, these in favor raise your hand. Those opposed? Voting no is tovo, kitchen and pool and alter. The others voting aye. This is postponed to October 17th. Okay.

>> Kitchen: Mayor? I was going to say I thought there was one we could do pretty fast and that was 125. How much time do we have?

>> Mayor Adler: Five minutes.

>> Kitchen: All right. Maybe 126? I'm going to make a motion to pass that on first reading.

>> Mayor Adler: There's a motion to pass item number 126, which is south Lamar on first reading. Are there people here to speak to that?

>> Kitchen: There were. I don't know if she's still here. There was one person.

>> Mayor Adler: Is

[5:26:33 PM]

Lorraine Atherton here?

>> Kitchen: I can speak to her concerns while they're going to find her. If that is acceptable.

>> Mayor Adler: I hate to do that if you're speaking to her concerns. She's now in the room.

>> She's walking up.

>> Mayor Adler: Is staff here to speak to this? Okay. Come on down, Ms. Atherton. Let's see if we can take care of 126. Councilmember kitchen moves to pass item number 126 on first reading only.

>> Kitchen: 126, yes.

>> Mayor Adler: Is there a second to that motion? Councilmember pool seconds. Councilmember kitchen moves to pass item number 126 on first reading only. Councilmember pool seconded that motion.

>> Kitchen: And could I take one -- 30 seconds to explain?

>> Mayor Adler: You can, yes.

>> Kitchen: Okay. I am moving to pass it on first reading only because there are additional considerations that this will give us time to work through with the neighborhood. And those relate to the importance of working

[5:27:34 PM]

towards additional housing, if that will be possible on this site. There's also concerns that still need to be worked out with regard to how the traffic is handled on south Lamar and related areas, so those are two areas that need to be addressed as well as concerns related to traffic impact fees. The applicant has been working with the neighborhood on these and other concerns. So while I think it's fine to move the ball forward, I think it's important for there to be time for the applicant to continue to work with the neighbors on -- again, as I mentioned before, the priority is housing people and seeing what could be done to reduce the number of vehicle trips, work towards greater housing and reduce using the negative effects of traffic and safety issues in those intersections. That's why I'm moving on first reading only.

>> Mayor Adler: Councilmember kitchen moved the PC recommendation on first reading only. Let's hear from the

[5:28:36 PM]

applicant first. Does the applicant want to speak?

>> My name is Richard Suttle here on behalf of the applicant. That sounds great to me. Thank you.

>> Kitchen: Okay.

>> Mayor Adler: Ms. Atherton.

>> Lorraine Atherton here on behalf of the CNA zoning committee and also Nancy McClain with the South Lamar neighborhood association. Yes, thank you very much. That's exactly what we need.

>> Mayor Adler: It's been moved and seconded to pass PC recommendation on first reading and close the public hearing.

>> Kitchen: No, I wouldn't close the public hearing because I expect to work out some additional items. There may be a need to talk to them.

>> Mayor Adler: Okay. Passing the PC recommends on first reading only. Discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais with councilmember pool is gone. That passes.

[5:29:38 PM]

All right. That gets us to 5:30. Let's go ahead and take a recess. We've got some great music in here, some proclamations and then we'll be back after --

>> Kitchen: Could we suggest a time so people have an idea?

>> Mayor Adler: We're also going to try to do an executive session. Let's try to do that at the conclusion of -- well -- let's try to go back into executive session at -- let's see if we can do the executive session now while they set up the music. Maybe we can actually knock that out.

>> Kitchen: Okay.

>> Mayor Adler: So our city council will now go into closed session to take up one item pursuant to 55108972 of the government code city council will discuss real estate matters related to item 142, red river issue. Without objection we will now go into executive session. If the band would set up and

[5:30:38 PM]

get some music, we'll see if we can hustle on down and be part of that. We're in recess.

[5:46:38 PM]

>> Mayor Adler: All right. We have now arrived at the best part of city council meetings in Austin. I think we're the only city council that I'm aware of in the world that stops virtually every city council meeting to bring in a little live music into city council chambers. Only fitting because we are the live music capitol of the world. We try really hard to take the sounds from the music and press it into the walls so that when things get kind of heavy as they will probably in an hour or two, we can try and pull that sound and that spirit from the walls again. So we are just real lucky to have with us this evening cj Edwards. His band, the funk fellowship, is a collective of visionaries, of musicians, of dancers, of

[5:47:40 PM]

poets, of marshal artists and down write authors. His sound can be described as cut and new and raw. Distinctively soul and rock and will move your molecules to everlasting one with the universe. Please join me in welcoming cj Edwards. Thank you.

[Applause].

[♪Music♪]

>> I'm so sorry. I haven't been this nervous in a long time. Maybe it's because we're in city hall. This is a new song.

[♪Music♪]

[5:56:34 PM]

[Applause].

>> Thank you so much, y'all.

>> Cj Edwards!

>> That was wonderful. Thank you for gifting us with that. So if somebody is out here right now or watching this on TV and they want to find you, do you have like a website or a place people could go.

>> You can go to our Facebook page. Also our website. You can go every Wednesday night to 12th and Chicon to butter and jam, the jivest show in Austin, Texas. It's the most beautiful spot in Texas. Please come out.

>> Mayor Adler: That sounds good. And if they want to get some of your music, how would they do that?

>> If you want to get some of our music it's coming out in November. Can you go to -- we're coming out with an album called "For you." It's dedicated to our

[5:57:35 PM]

guitarist who passed away last year. I've been making this music for almost 15 years with this young man and several other people out in the crowd and we are finally coming to the fruition of our work.

>> Mayor Adler: Pretty exciting. I have a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talent extends to virtually every musical genre. And whereas our music scene thrives because Austin audiences want good music by legends, favorites and newcomers and the like. Whereas we are pleased to showcase and support our local artists, now therefore I, Steve Adler, mayor of the live music capitol, do here by proclaim September 19th of the year 2019 as cj Edwards day in Austin, Texas. Congratulations and thank you.

[Applause].

[5:59:45 PM]

>> Mayor Adler: All right. I have another proclamation, real important. You know, they say that in this next presidential election that's coming up, we could have over 70% of the people in our city vote, which would be just a historic, historic number. There's everybody, it seems, no matter where you are on the spectrum, really wants to vote this next time out. And we have to do everything we can to make sure

that we vote and really, really big numbers. So I have a proclamation. I'm going to hand it to Gavino Fernandez and give him a chance to speak. This is a proclamation, be it known that whereas the city of Austin is committed to encouraging voter registration increasing access to elections, and whereas the city of Austin recognizes the need for nonprofits and similar organizations to work in the communities they serve to

[6:00:45 PM]

registered, qualified residents, and whereas the need for information and information on voter registration is critical to Americans' active participation in elections, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim September 24th, coming up, year 2019, as voter registration day in Austin, Texas, and Gavino, you want to tell us about it?

>> Sure. Thank you, mayor. My name is Gavironero Fernandez, I'm here with Will You Lulac, district 12. We always do voter registration, it's an ongoing thing but this year we partnered up -- we've been doing it with them the last four years. On September 24th, national voter registration day will occur. It's been happening since 2012, and on September 24th, over 10,000 volunteers will hit the

[6:01:46 PM]

streets to register people to vote. Many people do not get to vote because they missed the voter registration deadline or they just procrastinated and just didn't register. I'm an election judge and it's real disappointing to see when they come to vote this they didn't register in enough time. So this September 24th, we're having all voters, voter deputy registrars throughout the whole city, throughout the whole country, the 50 states, they'll be registering people on that one day, at school, pta's, your neighborhoods, they'll just be walking and registering people and getting ready for the 2020 coming elections. And this is the day of unity throughout the whole country, and this is a day we set aside all our differences, as this is a non-partisan effort. My friend here is Rebecca, and

[6:02:48 PM]

she's the Republican precinct chair 439, and I'm a judge, election judge, Democrat election judge in precinct 439, so this illustrates the non-partisan effort. And like the mayor said, you know, this is a very - we want to empower people in our community, and that is to vote. Okay? So on September 24th, if you're a voter, please take the time to register people and let Austin be counted on this day because at the end of the day, we'll be highlighted on the national website as to how our voter registration drives happened here in Austin, Texas. Mayor, thank you for the opportunity to share this with your -- our constituency here in Austin, Travis county.

>> Mayor Adler: Thank you.

[Applause]

[6:04:30 PM]

>> Mayor Adler: So here we have both a proclamation to announce a day, but also some recognition for some folks that have been able to achieve something special that we want to recognize. Tonight, the small business program, it's a division of the city of Austin's economic development department, celebrates another graduating class of the business skills certification program. You know, it is no surprise that Austin consistently ranks among the top cities in the country for small businesses, and our uniqueness is due to people like the local and small business owners that we're just about to honor. The city of Austin really values the important contributions that small businesses make toward job creation and economic sustainability in our city, and

[6:05:31 PM]

tonight's recognition is offered in partnership with the university of Texas center for professional education. This collaboration demonstrates a real commitment to helping business owners develop critical skills for expansion and for growth. Tonight we honor 31 individuals who have completed at least six business education classes to achieve a business skills certification. Congratulations to you all. We celebrate you. We share in your success as shining examples of the entrepreneurial drive for which Austin is known. So I want to invite sylvia holt-rabb, the interim director for economic director to join me in honoring the graduates, and I want to begin, I think, first by reading the proclamation. Is that -- should I do it that way?

>> Yes, that will work.

[6:06:32 PM]

>> Mayor Adler: Okay. So be it known that whereas a partnership between the university of Texas center for professional education and the city of Austin's 19-year-old small business program recognizes these local entrepreneurs on their efforts to increase their business knowledge and acumen; and whereas this hard-working group of small business owners joins the elite group of former alumni, they are recognized today for learning what is essential in helping them grow their businesses and ensuring that our local economy remains vibrant by increasing job growth; and whereas these individuals have demonstrated their desire to grow both personally and professionally by taking advantage of our program's numerous and varied course offerings designed to educate and inspire our local small business community; and whereas we proudly

[6:07:33 PM]

graduate these outstanding entrepreneurs and hope that they will inspire others to follow their footsteps and to confirm the immense value of enhancing business skills, so, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim September 19th of the year 2019 as small business skills day in Austin, Texas.

[Applause] So how do we recognize everybody?

>> So if you stand there, Veronica -- yes. Thank you, mayor. Graduates, congratulations. You have worked hard and now you have the tools to take your business to the next level. Our partnership with the university of Texas professional education supports the growth of new and existing businesses with classroom education, covering in-demand topics like accounting, marketing, and even business plan

[6:08:33 PM]

writing. Over the last ten years, the business skills certification program has trained over 8,600 entrepreneurs.

[Applause] And over 5,600 training hours have been delivered. Our last graduation was held in February with 25 graduates, and this time we're adding 31 entrepreneurs to our growing list of small businesses. Tonight's graduates have completed at least six of these small business classes that will help them manage their business. We are proud of being a part of helping them grow into great small business. One of our graduates is unique, not our typical entrepreneur. I would like to acknowledge Evan Herrera. Evan is one of our youngest graduates since this program inception. Evan is 14 years old.

[6:09:37 PM]

[Applause] He is a freshman at saint Dominick's high school, he took the classes over the summer. What a thing to do during your summer break. His first class he took with his mom when he realized that he wanted to achieve his business skills certification. Congratulations, Evan, well done. And now, let us recognize all of our graduates. Our first is Christina Childress. Is she here? Okay. Next, crystal green.

[Applause] Evan Herrera.

[Applause]

[6:11:03 PM]

Alicia Howell.

[Applause] Benjamin Johnson.

[Applause] Crystal Kelly.

[Applause] Laurie naivar.

[6:12:03 PM]

[Applause] Jordan naquit.

[Applause] Vanessa pazzos.

[Applause] Marcella Prado.

[Applause] Vera Ramirez.

[6:13:03 PM]

[Applause] Stephanie Samuels.

[Applause] Jordan Shelton.

[Applause] Andrew Southerland.

[6:14:07 PM]

[Applause] Christopher straitor.

[Applause] Raquel tucker.

[Applause]

[6:15:12 PM]

Sarai Salazar.

[Applause] Anna olbridge.

[Applause] Jay Valentine.

[Applause] Larcet Washington.

[Applause]

[6:16:22 PM]

>> And if we could get all the graduates quickly for a group photo. Thank you. Two rows, please. And while they are gathering, again, a special thanks to mayor and council who consistently provide support for our work of the small business program, Veronica Briseno, our any director of economic development, Vicky Valadez, manager of the small business program and all the business staff. Thank you.

[Applause]

[6:17:29 PM]

>> Thank you.

[Applause]

[6:18:40 PM]

>> Kitchen: If every one of Tom's friends would like to join us, come on down. Okay. Welcome, everybody. My name is Ann kitchen, and I am very proud and excited to be able to bring forward this proclamation. I know that we all love and honor Tom Donovan and are very proud of the work that he has done for us,

[6:19:42 PM]

and so I am just really honored to be able to bring forward this proclamation. Be it known that whereas Tom Donovan served our country from 1965 to 1968 in the U.S. Air force, built homes as a master carpenter for 30 years and organized the first ever Earth day at el Camino college in California in 1970; and whereas Tom Donovan adopted Austin as his home town in 1971 and pursued graduate studies at the university of Texas, he served as head of security for eeyore's birthday party from 1980 to 1993. Can

y'all imagine that? He's lived in the Southwood neighborhood since 1980. He's served on the parks & recreation board since 2014 and has represented district 5 since 2015, and whereas Tom Donovan

[6:20:43 PM]

founded or led efforts including -- just a whole range of things -- public green and wild, the emerald wood community garden, go Austin vamos, Austin creek adoption, he established certified wild flower meadows on parkland and coordinated numerous conservation events; and whereas in recognition of his lifetime of leadership in protecting, restoring, and cultivating respect and love for our natural environment, the city of Austin has honored him with the naming of the Tom Donovan central Williamson creek greenbelt nature trail. So now, therefore, I, Ann kitchen, on behalf of mayor Steve Adler and my colleagues on the city council, do hereby proclaim September 19th as Tom Donovan day.

[Cheers and applause] There's one other thing I have to tell you all about Tom.

[6:21:46 PM]

So Tom, Tom knows how to build a sign. He knows how to build a campaign sign. So he taught us new ways to do signs that are taller when you're running for office so that your sign stands out over others. So thank you for that, Tom.

[Laughter]

[Applause]

[6:23:11 PM]

>> Hello, everyone. I'm Tom's son and I'm here today to speak on his behalf. Having spent time celebrating him recently with family and friends, neighbors, a particular quote has been repeated with him in mind many times. Life's journey is not to arrive at the grave safely in a well-preserved body but rather to skid in sideways, totally worn out, shouting holy shhh, what a ride. I love the reverent spirit this sums up. I think it could easily be his motto. Dad has always seen life as a journey, to live well and have fun. He has had so much fun. But I'd like to thank him for what I believe has been his gift to the world. Living well has never meant taking from someone else. Having fun means to include others while doing no harm. His actions have shown the importance of doing what's right

[6:24:12 PM]

even when it's not easy. And so we are all here today to witness this proclamation dedicated to my dad, Tom Donovan. His work and life have impacted so many people are personally to nurture and to grow the community. He's a good man. Thank you on behalf of my dad, our family, friends, and neighbors.

[Applause]

[6:25:14 PM]

>> Good evening, everybody. My name is! Of JV, city councilmember for -- my name is Jimmy Flannigan, city councilmember for district 6. Tarik, why don't you join me out here. Make sure we get you to the camera. There we go. Be it known that whereas what's in the mirror is a 501(c)(3) Nonprofit and social movement that provides mental health awareness and suicide prevention to minority communities through art and advocacy, and whereas what's in the mirror focuses on providing services to women, youth, and lgbtq ia communities and whereas this important suicide prevention movement works as a liaison between community members and mental wellness providers and facilities throughout Austin, and whereas what's in the mirror is celebrating its fourth anniversary of delivering mental health awareness and suicide prevention via a culturally responsive approach with the goal

[6:26:14 PM]

of expanding mental health access and ending stigma through art and advocacy to lgbtqia persons and others, therefore, I, Jimmy Flannigan, city councilmember for district 6 on behalf of mayor Adler and the entire city council do hereby proclaim September 19th, 2019, as lgbtq suicide awareness day in Austin, Texas. Tarik, why don't you say a few things.

>> Thank you. Thank you for the -- to the office of Jimmy Flannigan and city council and everyone at the lgbtq quality of life advisory board. Today we're here to bring light to mental health and suicide awareness and how it intersects with lesbian, gay, bisexual, transgender, indirect, gender non-binary, plus identities. Depression, anxiety, substance abuse, discrimination, homophobia, violence, gender non-conformity, self-esteem

[6:27:14 PM]

issues, family, religion, and school are all risk factors uniquely molded within the lgbtq ia plus community. Researchers found that attempted suicide rates and suicidal ideation amongst lesbian, gay, and transgender persons is significantly higher than those among the general population. The lgbtq youth seriously contemplate suicide at almost three times the rate of heterosexual youth. This

proclamation is for Nigel Shelby, a 15-year-old openly queer student in Alabama who, on April 18th, 2019, took his own life because of the bullying he received because he was gay. Nigel's death rocked many of us in our community to our core because we remember being in his shoes. We recall the fear and the discomfort we felt walking the halls of our schools. Remember the taunting, the

[6:28:16 PM]

emotional and physical bullying. The verbal abuse that many of us endured still haunts us to this day. And for what? For being who we are called to be, for living our truths and being unapologetically ourselves. This proclamation is also for my sister, a survivor of a suicide attempt and a part of our community. She was the inspiration behind creating what's in a mirror. Love is a solution to suicide. Not the only one, but a solution that we all possess, and it doesn't take much to do. Love on somebody today. We all need it. Thank you.

[Applause]

[6:29:56 PM]

>> Pool: All right. I'm Leslie pool and I represent the city of Austin district 7. I want to invite Andrew Dobbs this big man, to come down here to stand next to me to show just how big he is.

>> They had to switch cameras.

>> Pool: They did, didn't they. I want to say before I read this award that I'm so proud to be able to reward to drew, it's so well deserved, I want to say the work we do on council, we cover a huge gamut of issues. I think it's probably the widest array any elected body could cover, and as part of that work, we from time to time run into some really remarkable, larger than life personalities. And when that happens, you have the unique opportunity to watch them work. And I am so grateful that being on the council for going on five years now, I've had that opportunity with Andrew to work with him and also with

[6:30:57 PM]

robin, with the Texas campaign for the environment, and without me being here and them being there, we wouldn't have had that opportunity. So it's a unique situation, and we are making this award to Andrew today because he's moving into new adventures and new responsibilities, so we also will really, really miss him and his larger than life personality.

>> Thank you.

>> Pool: You bet.

>> Appreciate it.

>> Pool: All right.

[Applause] I was hoping to embarrass him. Not possible.

[Laughter] Okay. Distinguished service award for his untiring service and commitment to improving our environment and his community leadership in Austin's ongoing zero waste initiatives, drew initiatives -- drew dates of birth is deserving of public claim and recognition.

[6:31:58 PM]

He's been dedicated to improving policies to protect our air, water, and land throughout his nearly nine years with the Texas campaign for the environment. This certificate is presented in acknowledgment and appreciation thereof, this 19th day of September, in the year 2019, and this is on half of the entire city council, the mayor, the mayor pro tem, and all councilmembers. Thank you, Andrew.

>> Thank you very much.

>> Pool: Why don't you say a few words.

>> Thank you. Thank you, councilmember, and thank you, Mr. Mayor and other members of the council. You know, when I -- when councilmember pool told me that she wanted to give this to me, I was a little bit -- it was a weird moment, but I knew that I had to accept it on behalf of all the people that I've worked with over the years at Texas campaign for the environment, robin Schneider, our executive director, Jeffrey Jacoby --

[6:32:58 PM]

what's your title now?

>> Deputy director.

>> He is a deputy. He has a badge. Some of our board members are here and others as well that I've worked with over the years and it's really their work. Hundreds of people have come through those doors that deserve this award, and it's their distinguished service that made it possible for me to succeed in the work that I did up here. You know, when I -- I was just thinking about my words today, what I was going to say here is that, you know, in the years that I was fortunate enough, blessed to be able to work here, my consuming focus when I was in these rooms was the public interest. And I wanted to represent the public interest and to speak for the public interest, with particular, two things, number one, democratic institutions and practices, and number two, protecting the environment, the air, water, land, human health and wildlife and other living things in this city, and the ones that we impact as a city.

[6:34:00 PM]

And I believe that because of the work of Texas campaign for the environment, we made some progress on that. We live in a time and we're at a historic moment when the public interest is at -- is disregarded more than I've seen -- an many of us have seen in our lifetimes or even before, potentially, and it is crucial that the people of Austin continue to hold our elected officials accountable to that public interest. And I charge you, Mr. Mayor, and Leslie and all the other members here, Natasha harper-madison, my own councilmember and others, to please stay the course on representing the public interest. Please listen to the community advocates like Texas campaign for the environment because it is those interests that will carry us forward. Austin is in a unique position to do that. Austin has unique institutions and practices that lean us towards that, but there are also huge historic forces pulling away from that. We must resist those forces and

[6:35:01 PM]

continue that commitment to public interest. So I am excited to be doing new things with my time and energy, but I am grateful for the time and energy that I spent here, and I will continue to hold my elected officials accountable. And I'm truly grateful and honored for this today. Thank you.

[Applause]

[6:37:07 PM]

>> Are these for me?

(Laughing) Good evening, everybody. Mr. Boya. So look, sometimes we get up here and we say things we actually believe in and we really mean, but you hardly get the opportunity to have somebody who inspires you to believe in the thing that you believe in, so me and Mr. Boyar are breast cancer sisters, we met during the art -- her outfit was fancier than mine but the commitment to the cause is the same. Basically what the breast cancer research center does is what we're talking about here, for take a loved one for a checkup day. We're talking about preventative services, health care services, most especially nor black and brown people because, you know, we have to acknowledge that disproportionately, black and

[6:38:08 PM]

brown communities have less access to preventative health care services, complete comprehensive health care services, so it is so very important that as we address the issue of health and wellness, we do it as a complete community and as families. So it is with my great honor that I get to present this proclamation today. Be it known that whereas the city of Austin's strategic outcome for health and environment is enjoying a sustainable environment and a healthy life, physically and mentally, and whereas studies have shown that the health of people of color is disproportionately affected by lack of access to preventative health care services due to social, historical, and financial reasons; and whereas take a loved one for a checkup day began in 2002 through a national partnership between radio host Tom drainer and the office of minority health to help eliminate

[6:39:10 PM]

cultural distress created by over 200 years of anecdotal and documentary evidence on racism in medicine and mental health services, to encourage people of color to get regular health screenings and foster healthy relationships with the medical community; and whereas the mission of Austin public health is to achieve high equity by preventing disease, promoting health, and protecting well-being for all, we celebrate take a loved one for a checkup day every year during the third week of September. Now, therefore, I, Natasha harper-madison, alongside the mayor of Austin, Steve Adler and my colleagues on the council, do hereby proclaim September 21st, 2019, as take a loved one for a checkup day. And I do believe --

[applause] And Adrienne is going to share a

[6:40:11 PM]

few words with us and accept these. We have three proclamations, and accept the proclamations. I think Caleb wants a picture. It looks like he wants a picture. Just making sure.

>> All right. So yes, my name is Adrienne Sturup and on behalf of Austin's communities of color, the staff of the fabulous health equity unit, my director Stephanie Hayden, council, and city manager's office, I am humbled to accept this proclamation, and I thank all of you for your continued support of this event. As a proclamation has stated, this started in 2002, and we -- we, the city of Austin, has been hosting this event since 2008. And one of the things I want to highlight is that the event was designed to help eliminate cultural distress -- distrust created by over 200 years of

[6:41:12 PM]

racism in medicine and mental health. Now, sometimes as we have a tendency to do with the rough and bumpy parts of our society, we ask, well, is that really still relevant? Can't we all just get along? Can't we

move past that? I'll submit to you a couple of reasons why it's important for us to remember. In Flint, Michigan, they had the water crisis. Studies have shown that children will begin to feel the effects of that crisis five years after the event took place and even further into their future. Add, behavioral issues, troubles in school, and all of those things will snowball and could have a negative impact on the other outcomes of their life. In 2015 the federal reserve bank of Boston, along with duke university, did a study on net worth of families, and due to red lining and unfair lending

[6:42:14 PM]

practices, way, way, way before I was in were thinking about buying a house or being here today, a white family's net worth is 247,000 thousand dollars. The net worth of a black family in Boston is eight. Not a typo, eight, one, two, three, four, five, six, seven, eight dollars. To bring it home locally, diabetes is the eighth leading cause of death in Travis county and remains one of the most significant and highest causes -- or most significant cause of death for black and hispanic residents. Those diseases nearly double that of our white counterparts. Between 2012 and 2014 blacks had the highest rates of cancer, heart disease, and stroke. Black babies continue to die two times more likely than a baby of a white or hispanic mom.

[6:43:15 PM]

And when you factor out everything else, economics, environment, it still boils down to the color of that mom's skin because studies have shown that a mom with multiple degrees in an affluent ground is more likely to have diverse background compared to Latino. We want to remember our history but we also want to make sure that as the mayor and his leadership has shown, that we're going to lead with equity and we're going to lead with race and we're going to continue to reach out to our communities so we're going to have fun, the groovers are going to be there. We're going to give away free health screening, get your blood pressure checked, sugar checked, get an HIV test, you'll learn about community care, you'll learn about insurance, learn about wellness exercises, learn about how to activate your parks, so we're going to bring together all of these resources because we are determined as a city to rewrite our history and to make

[6:44:16 PM]

sure that each person has equitable access to a healthy life. Thank you for your time today.

[Applause]

[7:17:27 PM]

>> Mayor Adler: All right. I think we can begin this again. We're out of closed session. In closed session we discussed real estate items related to item 142. It is 7:17. And we're going to work our way through the agenda -- through what we have left. Let's do the etj release since we don't have Alison here to start with red river. 147. Etj release. We have people to speak on it. Do we want to hear from the people to speak first? Let's start that. Mr. Winstead. Is Steve Jacobs here? You're on deck, sir.

>> Mayor, thank you. Members of the council, glad to be here. I appreciate the opportunity to talk with you about the getting rid of some of your

[7:18:27 PM]

etj language. I've never seen that done before, but I don't know much that goes on in that space. Let me quickly say to you that waste management contacted me yesterday afternoon at 3:30. I was sitting in this very chamber when you were doing the homeless ordinance work. The first I ever heard of what their issues were with the getting rid of etj land. So I'm a real novice with this, but I've got to tell you, it's 18 acres and we're not exactly sure whether that's a wise move for the city of Austin. We're okay with regulation in the etj but the city of Austin. Our concern is that there's a lot of stuff -- the Travis county ordinance that they've put us under they would not be able to do a lot of new things on the property. Let me give you an example. There would not be other waste processing facilities, composting, recycling, beneficial use. These are all things that we could not do under the Travis county regime. We think the city of Austin might have some real interest in recycling on our

[7:19:29 PM]

property and other stuff like that. We also by the way have two site plans that we're working on. If you look at the exhibit attached to your work papers, all the property's waste management. We have two sites we're working on where the city is regulating us on what we can do and not do. Suddenly that all blows up. That's ridiculous in our opinion. Also, let me say to you the timing on this is very unfortunate. Let me just tell you this: Travis county -- we thought Travis county was going work on this another month or so with us. It turned out last Tuesday in the afternoon while our folks were in Dallas they had a unanimous vote to put this ordinance in place. We were shocked and surprised that that had happened. So -- and also, obviously, Tuesday afternoon to Thursday at 7:20 is 48 hours when we had this thing go down and we haven't had time to study it and look at it and figure out what waste management wants to do. So what I'm asking you to do, please, is give us more time. We would like to sit down

[7:20:30 PM]

and talk with you about things that we think you give up by getting rid of your etj jurisdiction and we want to tell you why you shouldn't do that. So that's what we'd like to do. We want to ask for a postponement of this. And maybe a real public hearing, not 48 hours public hearing, but one down the road where we can have kind of a time certain to do a public hearing. So anyway, that's what we would ask. I've been counting back there while I was sitting there all day, there were 41 postponements. I just want one more tonight to put this off until we can have more time to talk about it. So that's my remarks. Thank you very much. Appreciate it. Parse of.

>> Mayor Adler: Jeffrey Jacoby here.

>> That's not me.

>> Is Jeffrey here? You will be up next. Go ahead, sir.

>> Mayor, councilmembers. My name is TV Jacobs, I'm

[7:21:32 PM]

the director of disposal operations for waste management of Texas. The property in question tonight was originally posted at 841 acres. Most of that is waste management controlled property. I heard earlier that it had been reduced to 18 I believe, so we're not exactly sure which property we're talking about in this instance. As Mr. Winstead mentioned I've been doing this for a very long time. This is the first time I've ever been requested or on the agenda to be removed from an etj. We're usually on the other side of it. We're at a loss as to how to proceed.

>> Flannigan: Sir, can you lean in closer to the microphone? Thank you.

>> I'd get a bull horn --

[laughter]. Basically we're trying to do -- our facility is under a permit with the state tceq we have an operating permit. What Mr. Winstead said we actually have two city of Austin approved development plans that we operate under on the site as well. One of them is actually in the area where we're disposing of waste right

[7:22:32 PM]

now. Another one affects an area that will not have waste disposal. We're kind of at a loss as to how the regulations work. If you remove us from the etj, do all those rules and regulations, all the things that we agree to work through with the city staff, do they just go away tomorrow? So what we would like to ask from you is a couple of weeks to sit down and try to work through this so we don't accidentally stub our toes or cause problems with the city because the the last thing I want to do is have an issue where we

interpret what we should be doing and the city interprets it differently and we're at cross purposes. That's all we're asking for tonight.

>> Pool: Mayor? I just wanted to let Mr. Jacobs know that I requested staff put the map in as exhibit a. There's a PDF in the backup, so the map of this site is actually in our backup and you'll be able to look at it.

>> With the new acreage? When we looked at the original map we came up with it very close to the 841 so

[7:23:33 PM]

I'm not certain what changed.

>> Pool: You can talk with our staff but we do have a map in the backup.

>> If you give me time. Thank you. >>

>> Mayor Adler: Tom Nuckols, you will be up next.

>> Mayor, councilmembers, first and foremost I want to say thank you to my councilmember, Natasha harper-madison, for your leadership on this issue as well as councilmembers kitchen, pool, Ellis and Casar. The co-sponsors of this ordinance. There's no reason to put this off. These guys are going to stand here and they're going to represent their best interests. The city's staff.

>> Environmental office, the lawyers, they've looked at this. This is vetted. There is no reason to put off taking this action today. Bottom line. So I urge a yes vote. And it's the day that Andrew

[7:24:33 PM]

Dobbs got his proclamation, y'all.

[Laughter]. So Andrew Dobbs would want you to vote yes too. Thank you.

>> Mayor Adler: Is Melanie McAfee here? You will be up next after Mr. Nuckols.

>> I didn't know I was going to have to compete with people outside. Mayor, mayor pro tem, councilmembers. I'm Tom Nuckols from the county attorney's office representing the Travis county commissioners' court. First of all, on behalf of the county, thank you very much for considering this matter. With regard to a request to delay action, the main purpose of land being in the etj is because it defines what the city can annex. The city has annexed all around this tract. It's a donut hole. The city's had decades to decide whether it wanted to annex this land and deliberately chose not to

[7:25:34 PM]

because it is not a desirable tract for the city to annex. The city has never wanted to annex this and I don't think that's ever going to change. So really the only thing to not release it tonight is the possibility that you might annex it. Since you're not going to there's no reason to delay. So we thank you very much and we would also like to request you to declare an emergency tonight so that this goes into effect immediately. Thank you.

>> Mayor Adler: Thank you. Ms. McAfee, is Robin Schneider here? You will be up next, Ms. Schneider. Ms. McAfee, you have three minutes.

>> Thank you. Last month during citizens communication, the city council heard from me and other residents affected by the continuing problems at waste management's landfill. Please help us.

[7:26:36 PM]

I encourage you to explore this action. As I mentioned before, this past January the worst odors I have ever experienced in the last 37 years happened. Waste management continues to be a threat to our health and safety and ability to use and enjoy our property. This company has broken so many promises over the years, over and over again. More and more people are coming to this area and most of them are city of Austin residents. We do not want to be the armpit of the city of Austin. Upper east Austin is a growing, vital asset and is north of us. In the past the city took a stand against waste management's last expansion. There are many past resolutions acknowledging the extensive problems of odors and the complete

[7:27:38 PM]

disregard to embrace zero waste. They are doing absolutely nothing to divert waste from this regional landfill. What would you say, over 900 acres of landfill in northeast Austin is enough. Thank you.

>> Mayor Adler: Thank you.

>> Pool: Mayor, I've got a quick question for Ms. McAfee. Thanks for being here today, Melanie, and thanks for your tireless efforts to draw attention to this issue. Can you just remind us how long it has been that you have been advocating for this landfill not to expand?

>> Since -- I have been there since '81. So over 37 years.

>> Pool: Thank you.

>> Mayor Adler: Hi, my name is Robin Schneider, the executive director of Texas campaign for the

[7:28:38 PM]

environment. Thank you for taking up this issue and the leadership that so many of you have shown. I've been working with the landfill neighbors in northeast Travis county since 2001 when there were extremely bad odors because 16 feet of lechete had gathered at the landfill. That's the trash juice. Under state law they're only allowed to have one foot and they had 16 feet. After some heavy rains in November of 2001. There were more than a thousand complaints around that time about the odors at that landfill. And when finally the tceq found that there were violations of state law, that 16 feet of leachate. And the waste management landfill got a break in their fine because they said

[7:29:38 PM]

they would never be a major air polluter because they were going to close in 2013. And I passed out a letter to you that we wrote to the head of the tceq at the time saying, if that's true, put it in their permit. And they refused to do so, and of course, waste management had no intention of closing in 2013 and they continue to operate to this day. And all these decades they have never done recycling, any kind of recycling or compost. This is a landfill with toxic waste. It's time for this to close, not to get any more time. And the reason why we need to move quickly is because the siting ordinances can be undone when companies file permit applications, they are considered grandfathered. Now, we believe that the county action forecloses

[7:30:39 PM]

that grandfathering, but we need to make sure that this is fully enforced, that the county can defend their siting ordinance as it was changed on Tuesday. And we want you to please vote for this measure today. Thank you so much.

>> Mayor Adler: Ms. Schneider, does the county ordinance regulate anything more than the expansion. Does it regulate what can happen on the balance of the property?

>> What can happen when?

>> Mayor Adler: On the balance of the property?

>> You know, Tom Nuckols would be the person to answer that question since he wrote it.

>> Mayor Adler: Let me finish with the speakers. I may call you back up.

>> The part that was passed this week as I understand it just refers to landfilling.

>> Mayor Adler: Okay. Thank you.

>> Mayor Adler: Bob Gregory.

[7:31:40 PM]

>> Good evening, I'm Bob Gregory, president of Texas disposal systems companies here in Austin. And I'm addressing item 147 as you know. I'm registering as a neutral position, not against and not for the removal of this particular 818 acres from the etj, but to provide these comments based upon our understanding of the reasoning for the action. However, I am for equal treatment of similarly situated landfills that are regulated. As you may know and as you've heard a little bit tonight, earlier this week Travis county commissioners' court passed an amendment to the county's solid waste facility siting ordinance that specifically regulates siting of hills and the expansion of existing landfills within the county to extent allowed by law. While legal experts have differing opinions about authority within the etj,

[7:32:40 PM]

apparently some argue that in order to most thoroughly regulate existing landfills, the landfills must be released from the etj so that state law allowing the Travis county -- allowing Travis county to enforce its siting ordinance will be easier to defend in its merit. Such action will acknowledge the jurisdiction of the county, the city and the state to regulate the construction operation and expansion of these state permit authorized facilities. Further, both the county and the city will have the opportunity to oppose or support a landfill expansion or a new landfill in contested case hearings allowed by the state depending on the circumstances at the time. Therefore, to be consistent, all three of the type three landfills that are identified in the county siting ordinance should be released from the etj, along with their contiguous properties as is the case with this proposed ordinance

[7:33:43 PM]

ordinance. Tonight. The ordinance before you released only two of the type one landfills in Travis county, the sunset farms landfill and the adjacent waste management Austin community landfill. A tds landfill would then be the only one not released from etj unless the city followed suit with such action. Tds supports being subject to the county siting ordinance and furthermore tds supports the city taking whatever action it deems necessary to ensure that the county's siting ordinance applies fully to existing and proposed landfills. We simply request equal regulatory treatment and ask that council ask staff to bring back a subsequent ordinance at your October 3rd meeting that does the same thing for tds that

you are preparing to -- prepared to do whatever today with this 818 acres, which is releasing the landfill from the city's etj so that it can be most thoroughly regulated by the

[7:34:44 PM]

county, the city and the state. Thank you very much. I don't know if questions are appropriate, but I'm happy to answer any questions.

>> Mayor Adler: We're fine, thank you. So -- no. Those are all the speakers that we have signed up. We're now back up to the dais. Councilmember harper-madison. And the people that are watching this on TV are asking that we all get really close to the microphones when we use it because there's a lot of obviously background noise, so get as close to the microphone that you can.

>> Harper-madison: I've heard that before. I just have some questions. I was wondering if -- I hate to make you guys do it, but it was compelling on something that I wanted to get more clarity on.

[7:35:46 PM]

So like -- Mr. Nuckols, if I could ask you some questions, please.

-- You said something that piqued my interest when you said the city should declare an emergency. I'm wondering what specific things motivate you to want us to move in a way that's emergent? Is there some impending health risk, should we be concerned about the people who live adjacent to this landfill? Should we be concerned about waterways?

>> All of the above. The effect of the declaring the emergency would mean the ordinance goes into effect immediately. The etj release would be effective today.

>> Harper-madison: What would be the difference if we did not declare an emergency.

>> I believe your ordinances don't go into effect for a certain period of time until after the council votes. I think it's 10 days. It's 10. So you heard the issue about filing the permit application. That would give wmi 10 days to file a permit application

[7:36:47 PM]

and be grandfathered.

>> Harper-madison: Interesting. Okay. And you may be able to speak to it my Ms. Needer talked about the difference between what would be regulation, which is one foot, and 16-foot. Would you say that this landfill would be the kind of place that has similar sort of grossly exaggerated examples of like let's

say what's allowed is one, but they have 12. Would you say that this is the kinds of things that we should be concerned about just in general? I guess I'm just trying to make certain -- because I can appreciate the other gentleman from tds coming up. I'm just trying to make certain that to get it square in my head, the difference between -- between good actors and bad actors, I guess, without better terminology to use.

>> I don't know. I'm not familiar with wmi's current practices or whether they've been given any notice of violation from the

[7:37:47 PM]

state. So I don't know much about their operations. And that's mainly because the county ordinance won't affect their existing operations.

>> Harper-madison: Gotcha.

>> The county ordinance allows them to continue their operations at the current site. All the county ordinance would do is keep them from expanding.

>> Harper-madison: And if water concern and air concern and all that, if those are all concerns currently under the current operations, expansion is certainly not ideal in my mind's eye. I guess it's not a question so much as a statement. Thank you. You've answered my questions.

>> Mayor Adler: So just to follow up on the question, there's a certain amount of land that they have right now that is operating. There's some additional land that is permitted but not operating.

>> Right.

>> Mayor Adler: And then there's some additional land that's neither permitted nor operating, but it's possible expansion area.

>> Right.

>> Mayor Adler: This ordinance concerns just the latter of those three?

>> Right. Anything -- the ordinance designates areas where waste

[7:38:50 PM]

disposal processing is allowed and it designates sites that are currently permitted even if they're not operating yet. So yes, the area where they're permitted and operating can continue, the area that's permitted where they're not operating yet, they can start operating as long as that permit allows them to. This would only affect the expansions.

>> Mayor Adler: Would they be able to do come on posting and recycling and other things on the land that's already permitted.

>> Yes, whatever the state permits them to do.

>> Mayor Adler: They just couldn't do it in the to be expanded unpermitted area.

>> Well, you know, if all they wanted to do was recycling I think the county might consider amending the ordinance to allow only recycling.

>> Mayor Adler: But as it is right now it only controls putting those uses on the as yet unpermitted land. It doesn't limit it on the already permitted land.

>> Exactly.

>> Mayor Adler: Operating or not.

>> Exactly.

[7:39:52 PM]

>> Mayor Adler: Thank you. We'll get back to you in just a second. I'll call you back in a second. Yes, Natasha I think you were asking questions of people.

>> I think we need a motion.

>> Mayor Adler: Is there a motion?

>> Harper-madison: I'd like to make the motion to follow the county's lead and go ahead and release this property to the etj.

>> Mayor Adler: Is there a second to that motion?

>> Pool: Mayor, I'll second the motion. To approve the ordinance.

>> Mayor Adler: Okay. Further discussion on the dais? It's been moved and seconded. Further discussion on the dais? Do you want to say something to what I said?

>> I wanted to clear up something. Mr. Nuckols was somewhat correct. The ordinance if passed would affect a future expansion at that facility. It has no impact on our currently permitted operating footprint.

[7:40:52 PM]

We do not have a permit in my back pocket in the back of my truck to submit within 10 days. We were taken completely by surprise and this is why we're asking for some time to sort through what impact it has on our operating permit requirements because we do have requirements with the city of Austin.

When you declare an emergency and remove me from the etj, do I just take that document and throw it away?

>> Mayor Adler: Okay.

>> I don't know the answer to that question. We would like some time to figure that out.

>> Mayor Adler: Thank you, sir. Further discussion on the dais? There's been a motion and a second. Any further discussion? Mr. Flannigan?

>> Flannigan: I struggled with this a little bit because I wasn't part of the subquorum that had been working on it and those are always very difficult issues for councilmembers to work on. But since it appears that the change doesn't affect their current operations, what it seems to do is clarify that future debates over landfills happen at the commissioners' court. And I kind of prefer them to

[7:41:53 PM]

happen there, frankly.

>> Mayor Adler: Moved and seconded. Further discussion? Let's take a vote. S those in favor please raise your hand. Those opposed? It's unanimous on the dais. It passes. Let's move now to item number 142. Is there someone that wants to move passage of item 142? Does someone want to move passage of item 142? The red river -- I'm sorry.

>> Harper-madison: Yes, I'd like to pass item 142.

>> Mayor Adler: Is there a second to that motion? The mayor pro tem seconds the motion. We have some -- okay.

>> Go ahead.

[7:42:54 PM]

>> Mayor Adler: You have the opportunity to speak first if you want to.

>> Harper-madison: Thank you.

>> Alter: While cease getting her stuff together, do we have speakers? I think they were counted on the postponement, but we'd like to hear them on this as well.

>> Mayor Adler: We'll give them a chance to do that. Do you want to go to speakers first, councilmember harper-madison?

>> Harper-madison: Yes, please.

>> Mayor Adler: Let's do that. Is Mary Arnold here? Robert ozher, you're on deck followed by Richard suttler.

>> Good evening, mayor Adler and members of the city council. My name is Mary Arnold. I'm here to speak about the very simple transaction that Richard suttler introduced to you earlier today.

[7:43:56 PM]

Just a little E change of land. But if it was so simple, why has it taken six months from February to get to you now and why is the backup over 100 pages? That doesn't sound very simple to me. All we're trying to figure out is what's going on. This transaction of the exchange of right-of-way, supposedly an exchange, is not the only thing that's going to be done with regard to this total project. So what is being done here and how does it fit in with what's coming ahead in terms of other things that are being done in connection

[7:45:00 PM]

with the interlocal agreement that the university and the city of Austin signed because the city council agenda item from February, the minutes stated that the council gave direction to the city it staff to be sure to get value for the right-of-way and other things involved in the construction of the project and building of the road, et cetera, et cetera. But the way value is talked about in the interlocal agreement, the term is really credit. The council motion said what credit are we going to get?

[7:46:00 PM]

And the interlocal agreement talks about a credit bank, but nowhere in the interlocal agreement is credit bank defined. And it's very unclear to me as to there will be value and whose value and how that translates into the waiving of fees that will come with regard to other things of the project. I know that's very confusing, but we're very confused. But it is a simple transaction. Thank you very much.

>> Mayor Adler: Thank you. Mr. Osher.

>> Good evening. It's been nice to spend the day with y'all.

[7:47:05 PM]

I'm kind of reminded of my Ta dad's first negotiation for a salary level for a job when he applied at Gimbel's department store in New York probably in the late 1920s or early 1930s. And he was going to get the job and he was interviewing with Alan Funt who went on to candid camera. And he says well, what do you want for pay? And my dad said, I want four dollars an hour, but not less than two. And he got two. So the issue is when you're structuring a negotiation, and the way I read this document, is that you have given them the right-of-way and you have given them fees.

[7:48:05 PM]

The university of Texas has received these fees and right-of-way before you have received anything of value. If you look at section F on page two of this interlocal agreement which I saw for the first time today, it seemed to me that those things were supposed to be considered at the same time so that you have a global agreement where you give them something in exchange for something that they give you. And what you've done in terms of this agreement is you're going to give them the land, you're going to give them fee waivers. You're not getting any land in return, you're getting an easement. And then later on you're going to get something of value and you don't know what it is. And I don't think that's the way to extract value out of a negotiation. You do a global agreement at the time you are negotiating so as councilmember alter said this morning, you can

[7:49:05 PM]

exercise the leverage that you have in that negotiation. This thing doesn't appear to be structured that way. And I am really disappointed in the consistent situations that we had in negotiations with UT who is an enormous operator of getting pushed around and being shortchanged in the context of these negotiations. I think you're heading for two dollars an hour instead of four dollars an hour. It's probably weak. I don't think you're going to be able to extract the level of are benefit, community benefit that you desire out of the way these negotiations are structured. And I'm doing this as somebody that's interested in having the city maximize its values in these transactions. I don't have any other agenda here today.

[7:50:06 PM]

Thank you.

>> Mayor Adler: Thank you. Mr. Suttle?

>> Mayor, members of council, my name is Richard Suttle here on behalf of the university of Texas. Tonight what you have before you is the -- a piece of the culmination of what we all agreed to in the interlocal agreement. The interlocal agreement was patterned after previous -- a previous interlocal

agreement that the city and the university entered into about red river at the med school. So the interlocal agreement or Ila as we call it was patterned after that. It spells out the relationships. It recognizes the relationship with UT and the city of Austin, and essentially the structure is red river where it is today, which by the way is there toyed because the university of Texas gave it to the city awhile back over another set of circumstances. We're going to take it back to the historic alignment.

[7:51:08 PM]

The city would vacate the fee simple. The city would get a right-of-way easement, a new road built and UT will maintain it for them. That's -- when I say a simple transaction, that's the bare bones of it. The fee waivers are not before you tonight. That will be a separate item that will come before you later and you can decide on whether there's value in fee waivers or not. This simply just vacates the road. It doesn't even actually vacate it. It puts it into escrow because the road doesn't get vacated until you get your new red river. And so that's just another step in the process in order to allow the city to -- or allow UT then to build the new arena and performance center. So it's a late night. I could keep going on and on about this, but I'll stop now and just be happy to answer any questions you might have.

>> Mayor Adler: Thank you, Mr. Suttle. That gets us back up to the dais. There's been a motion and a

[7:52:10 PM]

second. Any discussion? Councilmember alter.

>> Alter: Well, thank you for our three speakers who all happen to be my constituents. So thank you for being here. I want to acknowledge and thank staff for their work on this item. However, as I stated earlier, I would have preferred to postpone this item to -- postpone this item to allow additional time to review the agreements we are approving with this item, and the interlocal agreement, which although signed could have been changed prior to approval of this item had we determined that it would be to the benefit of the city. In the February 7th council meeting that preceded this agenda item, the record indicates that direction was given to staff to proceed with negotiations in a manner that ensures the city received credit for right-of-way value, expediting the project and anything of a similar nature, and to proceed with these negotiations to secure these benefits credits to benefit the community broadly. Tonight I'm not prepared to support this item and I will be abstaining.

[7:53:11 PM]

There's clearly the votes on the dais for this item, but I'm not convinced that our negotiations have led to sufficient benefit to the community and perhaps with additional time I would be convinced, but based on the limited amount of time I've had to review this item, I continue to have questions and

apprehensions about the value we are giving up and the value we are receiving in return. As a community, we simply cannot give up our leverage time and time again in negotiations and I am not prepared to support this item tonight.

>> Mayor Adler: Thank you. Any further discussion? Councilmember harper-madison.

>> Harper-madison: So I'm actually really excited to see improved connectivity in this area and I think that's what this project is going to deliver. I'm also really glad to see that the plan envisioned a new red river that can safely accommodate the users, all users of the street. That fits in with our goals, our 50/50 mode share goals, our multimodal goals, and I think it will -- I'm certain

[7:54:11 PM]

it will help to reduce climate emissions and drastically reduce traffic deaths, which brings about a question for me. Mr. Suttle, if you wouldn't mind coming back up. So as I understand it, during the course of construction here traffic will be rerouted through San Jac, which is a tricky street to navigate for pedestrians and cyclists and scooter operators. I just want to be certain that during the course of the construction project that the university of Texas is going to take every possible consideration and work with the city's transportation department and make certain we have some really comprehensive bike infrastructure considerations set up?

>> Yes. I'm not certain that all of the traffic will be routed through San Jac, but because we're going to work with ATD on a traffic plan, but as that traffic plan evolves, the university of Texas commits to working with the city on a safe bicycle path

[7:55:11 PM]

during construction and of course there will be one after construction because it will be on the new red river with bike lanes.

>> Harper-madison: On both sides?

>> Bottle sides.

>> Harper-madison: -- Both sides.

>> Harper-madison: Thank you.

>> Mayor Adler: Further discussion on the dais. Councilmember Tovo.

>> Tovo: Thank you, councilmember harper-madison, you covered some of the detailed expectations that I've received from individuals who have been participating in that process, but I have I think just a couple more. So you spoke to -- Mr. Suttle, you spoke to the commitment to maintain a safe bike path

during the period of construction and then also the protected bike lanes on red river once it's completed. Can you speak to sidewalks and whether they will be of a particular width?

>> I want to clarify, you used a term of art, protected bike

[7:56:12 PM]

lanes. I don't know what the difference between a bike lane and a protected one is, but they are bike lanes. In the sidewalks it's spelled out in the agreement we have the city's sidewalks with Ada compliance -- I'm sorry, can you hear me?

>> Now I can.

>> With the Ada compliance on all the sidewalks, yes.

>> Tovo: I know at least a couple of the stakeholders have requested they be at least ten feet wide. I don't know if that's the expectations or not.

>> I don't know the dimensions. There's -- I just don't know the dimensions.

>> Councilmember, if I may, I know near -- they'll be designed to meet the designs that are necessary, and I think in many of those places they may, in fact, be wider than ten feet. I don't know the design off the top of my head, but we will work with U.T. To maximize the possibility and make sure that they meet the demands that are there. With regards to the bike lanes, again, I'm sorry I don't remember right off the top of my head the design. I believe they are buffered

[7:57:13 PM]

probably at the very least, providing an all-ages and ability capability through there.

>> And on the sidewalks, I remember one of the discussions, it's interesting, the university, they actually have more of an interest in moving people on sidewalks than we do in other areas of our city because they're moving large numbers of students in and out of the campus, and so oftentimes their sidewalks are wider than what we require. So it's very important for the university. District 1 further discussion?

>> Mayor Adler: Further discussion? Ready to take a vote? In favor, please raise your hand. Those opposed? Abstaining? The pickup passes.

-- The item passes.that gets us to our last five, six items. We have people shown up to speak on item 122.

[7:58:13 PM]

Let's bring them down and let them speak. Colleagues, you'll remember we postponed some things earlier and we said we would allow for one or two people to speak. So let's have two people speak. He please make sure you speak near

[7:59:15 PM]

the microphone. This is item 122.

[Speaking Spanish]

>> Mayor Adler: You want to translate?

>> Oh, sorry.

>> Mayor Adler: If you're reading it --

>> Oh, no, no, I'm not. My name is Abigail Gutierrez. I live -- I'm one of the tenants and I'm here with this group. We are here to let you know that we are in agreement with the proposal that has been given or awarded us, but we did want to let you know that there are some -- I guess -- okay.

>> [Speaking Spanish]

[8:00:21 PM]

>> That we're good with the changes that you have proposed and will be making in the future.

>> [Speaking Spanish]

>> Good afternoon. My name is esella cast Torina.

>> [Speaking Spanish]

>> We're here because a few months ago --

>> [Speaking Spanish]

>> The landowner came to us with a proposal for a buyout.

>> [Speaking Spanish]

>> We're here to let you know that they -- the proposal that was given to us is very just and we are in support of it.

>> [Speaking Spanish]

>> And we want you to know that we are in agreement so long as they follow through with what they promised.

[8:01:23 PM]

>> [Speaking Spanish]

>> That's it. Thank you.

>> Mayor Adler: Gracias. Thank you for coming and speaking with us tonight. Okay? Do we want to have --

>> Oh, can she say one more thing?

>> Mayor Adler: She can.

>> [Speaking Spanish]

>> We'd like to propose to the landowner --

>> [Speaking Spanish]

>> They would like to request that the landowner take into consideration not having them pay their rent for the remainder of the three months so that they can save their money and arrange for -- or make arrangements for moving, if it's just a consideration for them to take.

[8:02:26 PM]

>> Mayor Adler: Okay. Gracias. Thank you. Thank you all for coming. Thank you.

>> Thank you.

>> Mayor Adler: Thank you, ma'am. Let's go then to the next item. Let's pull up item number 118.

>> Kitchen: Oh, I was going to argue for 125 because we've got speakers for that.

>> Mayor Adler: We can do that.

>> Kitchen: Okay.

>> Mayor Adler: Let's look here. We'll call the one with speakers first. 125.

>> Item 125 is case C c14 20120160211 south Lamar. This is the pud that was proved in 2012 to make 20-something amendments to it. I'm not going to go through the complete list. Generally speaking, the most major items are allowing a hotel as permitted use, adjusting the building form and heights in some areas and making adjustments to the transportation plan because of the corridor plan for south Lamar.

[8:03:26 PM]

It is recommended by the staff, joint subcommittee, the environmental commission as well as the planning commission. I'm available for questions.

>> Kitchen: Mayor, as I understand this is available for first reading only?

>> That's correct.

>> Kitchen: Okay. And, mayor, I will be making a motion to pass this on first reading.

>> Mayor Adler: It's been moved to pass on first reading. Is there a second to that motion? Mr. Flannigan seconds that motion. We have some speakers. Should we hear from them?

>> Kitchen: Yeah, let's hear from them first and then I'll explain why I'm supporting it.

>> Mayor Adler: Is the applicant here? I want to give the applicant the first opportunity to speak. You have five minutes, sir. If you want to take seven minutes, you can, because you have time --

>> I'm going to go faster. I'm Steve Drenner on behalf of the applicant. I'm really excited to bring this

[8:04:28 PM]

to you tonight. It is a case that was originally brought forward in 2013. That case was approved for a multifamily project. We had some opposition at that time from our neighbors to the south, which -- the bridges, and as this project has been resought, we started our conversation with the bridges, and I'm very pleased to tell you that they're -- they not only support it but unanimously supported this new proposal. The other thing that this proposal does is increase the superiority items in our community benefit package substantially. We were -- as we went through this process -- made aware of concerns that even though these were to be luxury apartments, that there was, obviously with

[8:05:29 PM]

the need in the city, even a need for those kinds of apartments, and we've addressed that in, I think, a unique fashion, and I want to jump to that. Let me pull up the right picture. The existing project would have required no on-site units and \$439,000 of cash to be paid to nacd. Our revised proposal is unique in that we've increased the cash that will go to nacd to a million two. There was the controversy at the time we went through originally whether or not a million two was the right

[8:06:30 PM]

number under the pud ordinance or the 439,000. The million two that we're offering today takes Sunday is the maximum that would have been required under that pud ordinance. But in addition, we have put under contract and have an arrangement with foundation communities to donate another site on south Lamar that's less than a mile from here that he is in the title company today and it has a price tag of two million five. So our thought is that we could replace the units that were to be built on the site where the old taco cabana used to sit, and make all of those affordable if we partnered with foundation communities on a new site.

[8:07:38 PM]

We have no position in the new project at all, it's strictly a donation, and we will pay for -- we'll donate the two million five which fully covers the purchase price for that property. We have a total community benefit package for affordability of three million seven, and it will result in 80 to 90 units on south Lamar. All of those will be affordable at 0% or less mfi, every single one of them. So that's the location of the additional site. There are other superiority items that I'll mention briefly. We have flooding this part of town, fickle up further

-- particularly further up to the south near

[8:08:41 PM]

Barton springs and south Lamar. We are spending more than a half million dollars to upsize lines that will help get that water, instead of pooling in that area, to have the ability to put it into the lake after treatment. We're also, as you'll hear from Amanda sworr who will follow me, making a variety of improvements to the transportation program in that area. We're also building the project with purple pipe that we'll reuse water in the residential portion of the project. We're doing that even though that project from the city won't be to our door when we need to open, so we're actually double-plumbing the building in order to be able to do that and to attach it once that project is brought to our door. So there are a variety of things that have increased

[8:09:44 PM]

the superiority of the project. None of the things that were superiorities items in the original project have gone away, nor have we added any modifications to site development regs or anything of that type. So we hope that you'll find that this is a unique way to address the affordability issue in particular

and that you will agree with the bridges and the planning commission, that this is a project worthy of your support. Thank you.

>> Mayor Adler: Okay.

>> Kitchen: Mr. Mayor, could I ask one quick question?

>> Mayor Adler: Yes.

>> Kitchen: So first off, I want to -- I want to thank you for working with my office and working with foundation communities. I think that this kind of -- this kind of approach to affordable housing in the vicinity very close is exactly the kinds of -- kind

[8:10:46 PM]

of innovative approach I like to see, so thank you for that. I did have a question that I hadn't had a chance to ask you before, and that just has to do with -- and you may not know the answer now. This is just for first reading, so we can talk about it later if need be. But that has to do with the exterior building materials.

>> Uh-huh.

>> Kitchen: You know, the waterfront overlay has some language about that, can you speak to that?

>> Right. There are a couple of different provisions that we are subject to, so first of all, let me say we will meet those 100%. We have to. One of those provisions requires a transparent glass, a certain percentage of transparent glass on the area up to ten feet in height. We exceed that. The other portion of the ordinance requires natural building materials beyond that. So we will -- we will comply with both provisions.

[8:11:47 PM]

I think our total amount of glass is 57%. We -- the requirement is that we exceed 60% on that ground level. We will be in excess of that. But it's not an all-glass building because we have -- we have 43% of the building that will be other types of materials, and they must meet the definition of natural building materials.

>> Mayor Adler: Okay. Let's continue on with speakers. Is Amanda sworr here? Is Nicki Serna here? What about drew? You'll have seven minutes. Kristen is on deck.

>> Good evening, mayor and council. Amanda sworr with Drenner

[8:12:47 PM]

group. I'm going to hit the highlights of transportation and building design, pieces of superiority that Mr. Drenner mentioned. I want to talk about transportation. The sidewalks that were required in the initial pud were the transportation improvements that were identified. Both of those are going to continue to be constructed as part of this pud, as Mr. Drenner said, nothing that was required as superiority changes, but we are adding additional transportation improvements in the area. Today when people come off the Pfluger bridge they come down to Riverside and play frogger essentially to get across right there. They go to the median, stop to wait for the cars, go the rest of the way and either come down the middle of Lee Barton or go down Riverside to get to the east. What we're going to do is add a pedestrian hybrid so you'll be able to come off the Pfluger bridge and have

[8:13:48 PM]

a safe cross to get to the southside of Riverside. Then additionally -- this is the corner of two corridors that have identified improvements as part of the bond program. Along south Lamar we're going to construct everything that is included in the bond program behind the curb, and on the southside of Riverside we'll be doing the same thing. I can go into more detail on both of those if there's questions but we will be constructing everything behind curb, and then for what is inside curb we couldn't construct today, we're providing fiscal pro rata share for those improvements. The other thing I want to highlight that we're excited about with these changes, on south Lamar with the existing pud the driveway is a full service driveway, it would be ride in, ride out, you would have hundreds of cars a day coming in and off of south Lamar. We changed that to a ride in only service drives so you will no longer have the cars exiting on south Lamar. You will have maybe 15 cars

[8:14:48 PM]

a day and those would be delivery vehicles. That's a maximum, coming through that area. All other drop-offs will be on Lee Barton. It's a -- with all the additional, it's actually a net reduction in vehicle trips per day. The code -- excuse me -- the language in the ordinance today reads 3,335. The ordinance that's in your backup reads 2,320 trips. It's a reduction of a thousand vehicle trips a day but an increase in transportation mitigations. Let me just hit a couple quick building designs. The ordinance in the backup is really interesting to read. There's a lot of red, there's a lot of setbacks that are really hard to follow. What we have done and the way that my brain works is put that onto paper, so the building on the left, the red building is what would come out in the 2013 project. The building on the right in blue is what would result in the setbacks that are in the ordinance that you have today. Highlighting two of those

[8:15:49 PM]

really on the Lee Barton side, we've pulled that building up and made it smaller along the pitch and put. This is a real picture from bridges on the park with setbacks that exist under the 2013 pud. Do you see how much that folds back? What I think this shows is that there's not a back of house to this building. We acknowledge it's seen on all sides, but services are still required. So I just want to really quickly show you where that happened. It's on the bottom of this screen, where you see the blue line. Knowing that this is seen from every direction, we have taken the service pieces and covered them. So this is a true green roof that goes on top of the loading, unloading, and the trash area. So with that, I will just hit one last thing. The red line -- I think this is a really exciting piece of the transportation improvements we're doing. The red line is the curb that's there today. It's two lanes, it's really

[8:16:49 PM]

funky if you see it. There's a car accident once a week -- not once a week, probably once a month at that intersection of Riverside and Lee Barton. We're fixing that and making it one lane. This is what's contemplated in the corridor improvements. What that does is takes the plaza area -- that red line is where the curb is today and it extends it out so that when you come across that pink pedestrian area, you come into a plaza that's twice as large as what you would have had on the other pud. So thank you, and with that, I'm happy to answer any questions.

>> Mayor Adler: Any questions? Thank you very much.

>> Thank you.

>> Mayor Adler: Come on down.

>> Hi. Good evening. It's been a long day for everybody. My name is Kristin Mccollum. I'd like to begin for those

[8:17:49 PM]

of you that weren't here in 2012 and '13 when this original pud was proposed, it was very, very contentious. Right? Now we have this new pud and I personally think it's not much better. It's a luxury hotel described as four seasons. It exceeds the waterfront overlay ordinance by 36 feet, right, so it comes in at 96 feet high, which is over four stories higher than what the current zoning is for the area and the current guidelines are. I know they just said that it was a certain percent natural materials, but every drawing I've ever seen, it looks like a significant amount of glass, 80, 90%. So maybe the back wall is natural materials, but certainly the front-facing stuff doesn't look like it based on what I've seen. I didn't bring any slide, but if you were to envision this giant glass building as you come off the pedestrian bridge, that's exactly what it looks like. It dominates, when you walk across the bridge, it'll

[8:18:50 PM]

dominate the hike and bike trail, will be similar to the mls stadium, just looming down on the hike and bike trail. I don't know how the city started allowing puds because those are typically greater than ten acres, but you did. So even a small acre size as one area, let's go back to the superiority item. Certainly there's some dollars, and I'll get to that in a minute, but if you look at the public amenities for the location it's in, do we really think trail users are going to go in, grab a coffee or anything in a four seasons like hotel that has this imposing glass front? You know, do we think the public is really going to use a rooftop restaurant after coming off the trail? As I mentioned, you know, the glass, I mean, I -- you know, the glass is a lot in the front of the building, and that will reflect sunlight, so that's going to go right down onto the trail, into the river. It diverts sewage into the lake and it removes a turn lane on Riverside, and it will generate a lot more

[8:19:50 PM]

traffic. Now, I guess don't get me started on traffic, but I'm going to go there for a second. For butler shores, the city, I would implore you to have a traffic strategy for butler shores. It's a gait weigh to zilker park, with you one of two entrances, major artery in and out of downtown, and now it includes a cultural park since the Daughtry art center is going to be moving there and be built on parkland instead of one of these schools that would be closing. So the one-off developer proposals are really going to gum up the traffic worse than it already is. I would ask you to look at the traffic yourselves, not rely on developer traffic studies in order to make sure that this part of town is accessible to everybody throughout the city. Now, there are positives to the proposal. The traffic litigation, the dollars that were mentioned there --

[buzzer soundin

-- and amount of time are good, but would be had with a development that fits within the waterfront overlay. Right? So, you know, much like

[8:20:53 PM]

councilmember alter said, I mean, I would strongly suggest you look at the negotiation that you've got beyond the 30.7 million that they're going to give you for the affordable housing because I think that could be had with something that fits within the guidelines of the area. Anyway, I'm out of time. Thank you.

>> Mayor Adler: Thank you. Is piper here?

-->> I'm president of the zilker association. A good work of foundation communities, we're keenly aware of a large amount of money offered by the applicant. However, there's cautionary tale here about side-

stepping pud and waterfront overlay requirements by financial contribution, no matter how worthy the cause. We have a really big discrepancy with the traffic

[8:21:57 PM]

numbers. The applicant said there's going to be a reduction in traffic here. Well, that -- they're going to put a hundred-foot hotel, and the traffic is going to go down, that's -- and what they've done is there used to be a restaurant there, and they're using the numbers from the restaurant, but that restaurant hasn't been there for two and a half years. So the way we calculate it, there's actually going to be about 3100 additional cars there going onto the most congested -- one of the most congested parts of Austin right through there. Then there's another pud scheduled across the street which projects another 2000 trips, so you could easily be looking at 5,000 vehicle trips right on this stretch of road. I know the complicate is

-- the applicant is putting in \$120,000 into street improvements in a 4.6-million-dollar corridor improvement from that stretch of road there so

[8:22:57 PM]

that that's not that much. And the south Lamar corridor plan is not going to fix the traffic. That road right there is the widest part of south Lamar that exists, and the corridor plan actually removes a lane out of that. There's some mitigation for taking away left turns up around Waterloo records. That won't do a whole lot. The real problem with the traffic buildup there is the Lamar bridge, the narrowness of it, and the -- under the narrow railroad bridge. So there's not a whole lot that can be done there, and we're really sensitive to the traffic -- the traffic -- what's going to be a problem, we think.

[8:24:00 PM]

As Christian said, the Daughtery art center is going into that area, so they'll need a path in and out. Just at point, the bridges was not unanimous in their vote. It was high, it was 49 to 6. So to the materials that councilmember kitchen brought up, the exterior materials, the code requires natural building materials. As this building is done, the new library is natural, the palmer event center is largely natural materials, and the design of the building in the site plan is a glass building. Now, maybe that'll be changed, but it certainly looks like a glass building. And the list of materials that the applicant submitted in the site plan, there are no natural materials.

[8:25:00 PM]

It's in the backup there, and there's 13, and none of them are natural, which is stone, wood, or masonry. So what we would like somehow for you all to do, if you can, is to write into this, either define those materials, what's natural, which seems to be a problem with staff, that they can't really define it, there's no definition for it, and the applicant said before, well, we're not asking for a variance, so, therefore, it must be okay. So I'm really asking you all to really nail this down on what this building is going to look like because the pictures don't look like that. Their list doesn't show it. And the materials just aren't defined. So that's a real sticking

[8:26:02 PM]

point for us. Also the land development code requires a distinctive building top. This has a flat roof, so there's something else that can be looked at. I mean, the land development code, really, the language for the natural materials is to prevent exactly what this building is going to look like and the one that's proposed across the street. These are glass buildings. At least on all appearances in the drawings. So we ask you really to take a close look at that. And then waiving the ten-acre requirement for the one-acre taco was a departure from city code, but some members of the 2013 city council believed it was justified to create more residential units in the

[8:27:02 PM]

urban core. This council imposed many restrictions on what could be developed at that location, one of which was prohibition on building a hotel. These prohibitions are an integral part of the existing pud. The hotel prohibition should not be a severable term. Removing the prohibition on a hotel is counter to the compromises reached for this unusually small pud area, to provide housing at this site. Please respect the thousands of citizen volunteer hours in developing the town lake master plan and waterfront overlay which was triggered by a hotel on the waterfront in the '80s. Thanks.

>> Mayor Adler: Does the applicant want to close? Three minutes.

>> Quickly, the ground floor

[8:28:11 PM]

uses, we were specifically directed to consider having coffee and juice on the ground floor for people who would come directly off of the trail. That's what's planned for the ground floor. There isn't -- it's not a -- there will be a restaurant at the top. Wouldn't expect anybody from the trail to go directly up there, but there will be a place to stop for coffee and juice at that location. As -- with regard to glass, the code

deals with that. It mandates that it be non-reflective glass, so it's not optional, it's not even questionable about what the requirement is. It must be a certain type of glass. With regard to materials and compliance with waterfront overlay ordinance, I would just suggest, we have said

[8:29:13 PM]

we are fully subject to the waterfront overlay ordinance. We're not asking for relief from any provision, and we're happy to work with staff as they evaluate building design as we go further down the process with regard to materials. But I would say that when you read the code, there is -- glass is not a prohibited material. In fact, they require 60% of your 0 to 10 level to be glass. So you're going to have a substantial amount of glass if you comply with that requirement. And finally, I would suggest to you that from a traffic standpoint, this is not just the developer's numbers, these are the numbers that the city reviewed and that they agreed with.

[8:30:14 PM]

We are -- I think any discussion of traffic that doesn't focus on the fact that there is no exiting traffic onto south Lamar misses the boat. And finally, I would tell you that -- and we have -- there is a project that's approved at 96 feet that can be built. I wouldn't tell you otherwise. We think this is a better solution. The bridges have agreed that it's a better solution. We think it does more for the whole area, which is -- includes pedestrians and bicycle traffic and as well as cars that use that unsafe area on Riverside. We're the tenant in the Peggy house. We see those accidents every week.

[Buzzer sounding] Your choice, I think, is clear. So let me go ahead and wrap up, and I'm happy to answer questions.

[8:31:15 PM]

>> Mayor Adler: Thank you very much.

>> Flannigan: Mayor?

>> Mayor Adler: Yes, Mr. Flannigan.

>> Flannigan: Sir, can you explain to me what you said about water and juice?

>> There was a comment made by one of the speakers about the uses on the ground floor and that those would not -- of this building, and that those would not be in keeping with uses that somebody who's coming off the trail would use. And I'm saying very much to the contrary, they're exactly what I would hope to be able to find if I'm walking on the trail and I want to get off and I can go get a cup of

coffee and a glass of juice. So it's a -- it's a user -- it's not a hair salon, it's not a nail salon and so forth, which you see a lot of along that area. It's -- they are uses that are particularly tied to people who are going to be using the trails.

>> Flannigan: So when you say that, you mean like there could be a coffee shop there.

>> There will be. There will be a coffee shop. There will be and -- I

[8:32:15 PM]

apologize for --

>> Flannigan: Requiring free juice.

>> I apologize.

>> Flannigan: I didn't understand what that was.

>> Mayor Adler: Further discussion on the dais? We have a motion and second. Councilmember kitchen.

>> Kitchen: This is for staff. So -- and if this is not something you can answer right now, well, answering it before the next reading, but I do want to follow up on some of the questions and comments that were made about the building material. And I would like to -- you know, I understand from the applicant that they were -- they'll be following the requirements, so I would like to nail down the use of stone, or as -- I want to understand what natural materials means. So is that something you can speak to now, or do we need to get back to me on that?

>> I'll get back to you on that. I'll need to speak with them when they review it.

>> Kitchen: Okay. You heard the request of the neighborhood, and so those something that I'd be

[8:33:15 PM]

interested in, too, in nailing down exactly what that means.

>> Okay.

>> Mayor Adler: Further comment? We ready to take a vote? Councilmember tovo.

>> Tovo: Yeah, I'm going to support this on first reading, though. I just want to underscore what one of the speakers said. I mean, part of -- it was a very important component, was the fact that they were creating residential in that location. That was a very important component of the superiority they offered that got the additional height and whatnot. However, I appreciate -- I appreciate the approach of increasing the affordable housing contribution and the purchase of the tract down the street. I think

that does go a long way to mitigating some of concerns about the switch from residential development to hotel, so I am going to support it on this reading,

[8:34:16 PM]

though I'm going to continue to mull it over. But I also appreciate you going back and calculating what your payment would have been, had there not been a controversial interpretation of the planned unit development ordinance. Anyway, thanks.

>> Mayor Adler: Let's take a vote. Yes, councilmember alter.

>> Alter: So I'm going to support this on first reading, but I'm still kind of catching up to it. I don't have the benefit of all of the history. I am concerned about whether the traffic investments are commensurate with the challenges that will be faced in that area. The point that one of the speakers made about the multiple puds and a lot of the building taking place back there, we don't have really good systems within our traffic management to account for the cumulative effects of things, but since this is a pud, I think there's an opportunity to be exploring whether there's more that can be done with

[8:35:17 PM]

respect to mitigating the traffic. I appreciate what's in there, but I'd like to see if we can do some more on that score.

>> Mayor Adler: Okay. Let's take a vote. Those in favor of passing this on first reading, please raise your hand. Those opposed? It's unanimous on the dais. Passes on first reading. Thank you. Let's go to 135. I think it's the next one we have speakers on William cannon.

>> Item 135, case c14-2019-0087, property located 1900 west William cannon. Rest from long to goconp. The property is in existing vacant Wells Fargo drive through bank. The building is still there. The applicant wishes to convert the old bank into a coffee shop. Coffee shop is allowed under Ir zoning, which is what the staff is recommending, instead of gr.

[8:36:17 PM]

But Ir requires additional use permit for drive through. Staff did not recommend gr zoning since it was at the intersection of a collector street and arterial, instead of at the intersection of two arterials. The main difference between the two, between the staff recommendation and applicant's request is whether the drive through would require a additional use permit or whether it would be allowed by right.

>> Mayor Adler: And what was the -- your recommendation as compared to the P.C. Recommendation?

>> The applicant -- the planning commission recommended the staff's recommendation, for Ir-np, it would require a drive through. It is already there because it is a drive through bank so basically the zoning request would allow the applicant to not have to pursue one for a drive through, but it would allow the coffee shop.

>> Mayor Adler: Back to the dais. Is there a motion? Councilmember kitchen. Councilmember moves staff

[8:37:27 PM]

recommends. Councilmember Flannigan?

>> Flannigan: I think, as I said yesterday, gr I think is sufficient. This is an area where there's going to be some significant transportation investments from our recent bonds. My understanding is that there's some questions about curb cuts and driveway access right on William cannon. Is staff -- I mean, I hate to ask a question about possible code revisions. Because I know that the driveway thing is difficult to handle under the current code.

>> I'm with Austin transportation department.

>> Flannigan: So how do you imagine driveway access being considered in the future?

>> On this particular section, I think there are two existing driveways on William cannon, and we propose to have one driveway access at this point, and if I understand correctly, there is a restrictive cannon lake as well, so there cannot be a driveway.

[8:38:27 PM]

>> Flannigan: There's also an existing covenant that's not being changed by this.

>> Yes, sir.

>> Flannigan: Okay. So, mayor, if I might move gr, I guess it would be gr-np, since the driveway situation seems to be handled by staff.

>> Mayor Adler: Okay. There's a motion to amend the motion for Ir to -- amend it to be the gr, which is the applicant's request, I guess. Is there a second to that amendment? Councilmember Casar seconds it. Do we want -- yes.

>> If I may clarify, the applicant's request it was actually for gr-co-np, that would be for elevation regulations, I want to clarify that.

>> Flannigan: So I'm not removing the applicant's request. I'm moving gr.

>> Mayor Adler: Okay. So move to be gr. And it's been seconded. Do we want to hear from the speakers? Maybe the speakers could address both of these.

[8:39:28 PM]

The applicant first.

>> Good evening, mayor, and fellow council members. My name is Cody Carr. I'm a business owner here in Austin, and hopeful part future owner of this site. I put together a little presentation for you to try to describe kind of what our goals are and hopefully to give everyone a better understanding. So the site is 1900 west William cannon. Currently it is a drive through bank. It's actually been vacant for a little while. Top typical but our goal is to convert it from a drive through bank to a drive-through health food restaurant. Coffee would be one item they would sell but ultimately we're hoping to sell kind of healthy food options down there in district 5. As you can see here, currently the zoning is limited office, and we're asking for -- if you could please go back one slide -- we're asking for general

[8:40:31 PM]

retail. And we're open to reducing our development standards to lr, to try to appease some of the concerns from staff. You can see here that is our site at William cannon and near the intersection with manchaca. To the west of our property we are surrounded by gr, as well as on the southside, there is a large strip center there called town square. So I wanted to just address concerns head on. I read some of the concerns and I was very happy once I read them and I was excited that this could actually be a win-win situation. One of the primary concerns as you just heard was a possible access point on the side street, cannon lake, and we are happy to not have an access point there. There currently is not one there. The really exciting part of this project is we're going to maintain the site currently as it is and sort

[8:41:31 PM]

of remodel it and adaptively reuse it. Also another concern was a large building being built there. We're also happy to accommodate by sort of limiting the development standards. But the main thing we've heard from possible local tenants with this site is that they need the optionality of a possible drive-through, whether they use it or not, they need it to be competitive with overhead costs in the way businesses are currently running. So, yeah, what's super exciting about this project is the sustainable aspects. We're hoping to do an adaptive reuse. We're looking at this as a way to reduce adding to the landfill. We're going to keep the building kind of retrofitted, make it look cool, and we're loose talking about reducing impervious cover. We're going to create a grass base in front of it and add a hangout area with some picnic tables. Also, since this site is vacant, if we can do sort of

[8:42:32 PM]

this adaptive reuse, we can get it retenanted and start generating local taxes.

>> Mayor Adler: You have two more minutes if you want.

>> Okay. This is an overview of the current site. As you can see, Cannon Lake is to the right but there's also a natural drainage pond on the right side -- actually, sorry, a drainage pond that's -- that was there with the original development. We want to leave that in place. We believe it creates a great natural barrier to the neighborhood. We do not want to disturb the neighborhood. And so we want to keep the site entrance and exit just as it happened since 1978 and we do not plan to change that. So this is a view from the Cannon Lake side. You can see there's a fence, large beautiful tree, and beyond that would be the detention pond that's already there. So we would leave that in place as it is today. And, finally, just a front view so you can see the bank

[8:43:34 PM]

as it was operating had four lanes. We're sort of hoping to create kind of a patio area to the far right, and then have a little drive-through where people, if they come through and they need to pick up some food, they can do that, or if you kind of want to hang out and work in 78745, you can do that as well. So thank you for your time and I appreciate it.

>> Mayor Adler: Thank you. Councilmember Kitchen? Hold on, sir.

>> Kitchen: Just a quick question. I'm not sure if this is for you or for our staff, but you had asked for a gr-co-lr; is that right? Or did I get that -- did I get all those wrong? What was the original request for?

>> The original intention was gr.

>> Kitchen: Okay.

>> But after hearing some of the concerns, we were open to working with an lr overlay.

>> Kitchen: Okay. So you were -- in the lr overlay it would put what

[8:44:36 PM]

limitations on it that you were okay with?

>> I think it had to do with future development restrictions on high setbacks and things like that. The real concern was that gr allowed a drive-through.

>> Kitchen: Okay.

>> And that we wouldn't go back through the process.

>> Kitchen: Okay. All right. Then I have a question for staff.

>> Mayor Adler: Okay. Do you want to ask it before the other people speak?

>> Kitchen: No, we'll let the others speak first.

>> Mayor Adler: Okay. Is Grady field here? Come on down. Is Alicia torres here? No? What about Rebecca Sanchez? What about Billy gray? All right. You may be our last speaker.

>> Great. Thank you. Ladies and gentlemen, city council members, thank you for the opportunity for us to speak in front of you about 1900 west William cannon. Cody, my business partner, and I, were native austinites. We went to high school here locally. Ever since we were kids it's always been a dream of ours to one day do business together. So for us to stand in front

[8:45:37 PM]

of you today it's truly a blessing. Thank you guys. One of the things that Cody and I have noticed when we were traveling around the United States is that Austin is the best city in the United States. So the question becomes how to we keep it that way. One of the ways that we've done that so far and have a proven track record of doing that is keeping local tenants. Right now our portfolio consists of 85% local. We've got tenants including casa Garcia, and dragon comic books. Another way to keep Austin a beautiful city is sustainability through building. We'll show you those through the subsequent slides. The last thing we can do is architecture. Every great city has great architecture. Next slide. This is a property we own directly across the street from the subject property. In these next slides we're going to specifically talk about what we have done so far in district 5. Like I said, this is 1901 west William cannon.

[8:46:37 PM]

This property, when we purchased this, it hasn't been changed since the 1980s. When we purchased it, the roof was in failure, the facades were falling apart and it was just screaming out for help. Now, this is what we've done after the remodel. The great thing about our remote is that we kept 95% of the original structure, and that's kind of part of the reuse. We improved the energy efficiency by increasing the R rating of the building. Basically we added to the overall curb appeal. The most important thing is we kept the original tenants. Next. So here's casa Garcia's restaurant. This is a restaurant everyone knows in district 5. As you can see, the building is old and outdated. It's got a tired look and feel to it. And this is what we've done after the remodel. We made a nice, clean, modern architecture and believe it's something that the neighborhood can be proud of. So in conclusion, Cody and I

[8:47:38 PM]

believe that architecture is the gold standard of the arts, and as you can see from this building, there's really nothing appealing about it. It's been its original structure since 1979 and we want to do something just as cool as we've done across the street as we will do here. And this is the last slide. These are just some examples of what we're looking to do. We're open to suggestions but we want to make something the neighborhood can be proud of. And thank you guys for your time.

>> Mayor Adler: Thank you. Questions? All right. We're back up to the dais. Councilmember kitchen?

>> Kitchen: Yeah. I just had a question for staff. If you could explain both what you were recommending and what the applicant had requested, and the differences.

>> Sure. The staff recommendation is for Ir-np, with no co, the reason being that that is the typical zoning we'd

[8:48:40 PM]

recommend. The applicant's request is for gr-co-np. The co would simply have Ir site regulations, not use, but site regulations, and I did look, while the speakers were speaking, we notified it for gr-co-np, that's what the applicant requested, I think we could not actually strip the C at this time without renotifying it. The main difference between the two, I think in terms of site development regulations is somewhat irrelevant. The site is already developed. Even if it were to be redeveloped, they would get credit for the existing impervious cover so it's really not an issue as far as site development recommendations go, which is why I think the applicant is good with Ir. There are a variety of uses that are different, of course, between Ir and gr. In terms of what the applicant is proposing, both -- the use is allowed in both, the main difference is for the drive-through, he needs [indiscernible] Under Ir. There would be an extra step of going to the planning

[8:49:40 PM]

commission if he got Ir to do the drive-through.

>> Kitchen: Okay.

>> Mayor Adler: The motion in front of us is to go -- to amend it to go to gr but we can't do that. Do you want to modify your deal? Right now the motion is -- your motion was what, Ir-co --

>> Flannigan: You got me, Jerry.

>> Kitchen: We could go back --

>> Mayor Adler: Your motion was Ir-np. Right?

>> Kitchen: My motion is what the staff recommended, which is Ir-np.

>> Mayor Adler: Lr but no drive-through.

>> No, the staff recommendation is Ir, it would allow drive through, it would just have to go to the planning commission.

>> Flannigan: Let me understand if I have this correct, I need to propose a co for my amendment too?

>> Kitchen: Yes, you do.

>> Flannigan: Am I understanding this moment correctly?

>> Kitchen: Either that or

[8:50:40 PM]

you can't just let it go and we could go with the staff.

>> Flannigan: Yes, councilmember, I'm aware of of the option. Well, no, because, I mean, what Jerry said was that the co that the applicant originally requested was all the Ir site development guidelines.

>> Site development regulations,.

>> Flannigan: So my point is, I don't know why we would need to custom build a zone when it's on an area that is very appropriate for gr.

>> Garza: I have a question. I'm sorry if I missed. Why can't you do gr?

>> Mayor Adler: More rights than what were posted and you can't amend the zoning case to do more than what was posted. You can't have a more intense use than what was posted. It wasn't fair notice. So you're still thinking

[8:51:41 PM]

about what you want to do? Right now, the base motion is the staff recommendation of Ir-np.

>> Flannigan: In the past when we've been in this situation, there's been some kind of standard co that was a part of it, like 2000 trip limit or something. Is that a part of this?

>> No, it's just -- the co -- the site is not big enough to worry about 2000 trips.

>> Flannigan: So we could do that, a 2000 trip limit which it would never reach because the site is small.

>> So you're talking about still gr-co, just switching what the co is? I'd have to ask the city attorney about that.

>> Kitchen: It's not noticed for it.

>> Mayor Adler: Let's ask that question. Do you understand the question?

>> I do.

>> Mayor Adler: Okay.

>> I believe that you still could not do that because the issue is whether you're making it more intense, and even though you would still have a co, the co that just limits trips is probably not going to override the co that now limits it to lr

[8:52:45 PM]

site regs.

>> So mayor, I've been running around with the law department on this and I always get a different answer every time it happens. The last time I got was that the notice was the governing level of intensity, so you couldn't remove the co, that seemed to be a consistent answer, but since the co itself was not in the notice, it did not matter what the co was, and co can only restrict --

>> I thought the co was in the notice.

>> The councilmember is correct, it does not include the description co, it just says co.

>> Well, let me mull for a minute. Let me think about that for a minute.

>> Mayor Adler: Are we talking about all three readings here? We were?

>> Kitchen: Mayor?

>> Mayor Adler: Let me get some other people in here, too. Councilmember alter.

>> Alter: So let me make sure that I'm understanding

[8:53:46 PM]

this correctly. We have a zoning code, lr, and I guess it's got an np, that allows them to do everything they want, all they have to do is go to planning commission to get their drive-through.

>> To keep it, yes.

>> Alter: And that is what Ms. Kitchen has proposed. And instead we're talking about how we make a complicated thing on top of that. I would go with the lr-np,%-@you know, if you want to use%-@your

logic, Mr. Flannigan, we have -- we have something that allows us to do it. they just have to go to planning commission to get their drive-through, which I would assume would be fairly easy since they already have a drive-through on the spot. we don't have to bend our code in order to create a new mechanism, it's already allowed under what our staff and the planning commission is recommending. p>> Mayor Adler: So councilmember alter is strenuously arguing against the co con torsion of our code as you are strenuously arguing for the contorsion, and it's already really

[8:54:55 PM]

late. p>> Alter: I was just pointing out the irony of the case and going with councilmember kitchen. p>> Mayor Adler: Further discussion? councilmember ellis. p>> Ellis: I like where jimmy was heading with the gr, and while we figure out what that co looks like, I think it's kind of silly to make someone jump through another hoop to get a conditional use permit for an existing structure. that's really odd to me, that's why I'm kind of approaching it from a high level. you're trying to preserve a building. I think that's cool. I think you've got a cool concept going, and, you know, weird things can happen when you start to get extra opinions, and maybe they don't get that conditional use permit, and I feel like they're being good actors here. so I'd be more in line with the gr, and I'm curious

s about the answer, about the co. p>> Kitchen: You can't do the gr. p>> Mayor Adler: Bud you can't do the gr-co. p>> Ellis: If you get a co. p>> Mayor Adler: Further discussion? councilmember pool. p>> Pool: I'm happy to go the-

[8:55:55 PM]

simple route and will support the motion by councilmember kitchen. p>> Mayor Adler: Okay. so what is in front of us right now is councilmember kitchen's motion for lr-np. Councilmember flannigan. p>> Flannigan: I'll move to amend co where a co is a 2000 trip limit. p>> Mayor Adler: Okay. is there a second to the gr-co where the co is the 2000 trip limit? councilmember Ellis seconds that. p>> Kitchen: Can I say something? p>> Mayor Adler: Our attorneys are still considering this. p>> Kitchen: Mayor? p>> Mayor Adler: Councilmember kitchen. p>> Kitchen: You know, I think that the -- introducing the co with the trip limit, which is really a new concept limit is really a new concept discussed not as part of this. I don't think it allows for -- if you wanted to do something like that, you shouldn't do it on all three readings because it doesn't allow for any kind of, you

[8:56:55 PM]

know, notice, I don't think. Because it's a different concept that's not been discussed.

>> Mayor Adler: Is this on a transit priority corridor?

>> Kitchen: It's a corridor, yes.

>> Mayor Adler: Is it a transit priority corridor?

>> I know it has a 15 minute headway to the bus, on the 333 in this is a high frequency bus.

>> Kitchen: This is one of the corridor -- we have funding for our bond on the corridor on William cannon. I don't remember if this part of William cannon slated for. I would have to talk to staff. I don't know. Maybe we should just move it forward on first reading? Because we're taking a lot of time with this.

>> Mayor Adler: So one question I have is the

[8:57:55 PM]

drive-through appropriateness given if it's a transit corridor I'm not sure we want to have drive-throughs. I would prefer to not have drive-throughs in those situations to help with mobility. Then we have the other question about what we're allowed to do and not allowed to do. It might make sense for us not to do this one right now so we're not trying to make these calls right here and bring back in two weeks. Councilmember tovo?

>> Tovo: I would like to suggest that we pass it on first reading or postpone -- there are issues that need to be sorted out. It's already 9:00. We have a couple other agenda items and we have a meeting in the morning around I think it will take awhile.

>> Mayor Adler: Let's pass something on first reading. Do you think?

>> Kitchen: Pass one.

[Laughter].

>> Mayor Adler: So the motion is to pass lr-np on first reading. Then we'll come back. The questions we have outstanding is can we do gr-co with a different co and I want transportation to talk to us about

[8:58:55 PM]

drive-throughs and whether this corridor rises to that level of a transit corridor where that should or should not be something that we're considering. That's the motion. Everybody is okay with that? Let's take a vote. Those in favor of first reading raise your hand? Those opposed? It's unanimous, we'll pass it

on first reading with those outstanding questions and come back in two weeks. Thanks, guys. I'm sorry, what?

>> I think you are spending too much time together lately.

[Laughter]. Do you want to do item 118? Would you like to do 118, mayor?

>> Mayor Adler: There's one more that had people signed up.

>> We just have two more plus the [indiscernible]. Item 118 is c-14-2019-0075. This is for the property located at 6501 and 650 with can Lee drive. This case passed on first reading on August 22nd. The request is to -- from

[8:59:55 PM]

sf-3 to to sf-5-np with the co limited to no more than six units. The case simply did not have enough votes on last reading to pass on all three, so it's back for second and third.

>> Mayor Adler: Okay. Is there a motion on this item? Mr. Flannigan.

>> Flannigan: I move the -- we're on second and third of what we approved the last time.

>> Mayor Adler: Okay. The motion is sf-5-conp. Is there a second to that motion? Councilmember Renteria seconds it. Discussion? Mr. Flannigan, can you go first if you want to.

>> Flannigan: I feel like we had a pretty robust debate last time.

>> Mayor Adler:

>> Did you

[9:00:59 PM]

want to speak.

>> Kitchen: Yes. It is counter on the land development code. It is in the middle of a neighborhood. Sf 5 is not what we contemplated in the middle of the neighborhood. You don't need the sf 5 to get the six units, so it also by changing it to sf 5 we're allowing 10% more of impervious cover. It goes from 45% to 50%. We're also moving in the wrong direction there terms of affordability. Keeping it with the six units as is argues more for duplexes which tend to be more affordable than freestanding condo units. So the for all of those reasons, I just can't see us going forward with this. It makes no sense. In terms of the staff recommendation. It makes no sense in terms of what we all saw we wanted and what we adopted in may. And what we said we were going to -- what we thought was appropriate in the

[9:01:59 PM]

middle of neighborhoods. And then finally, it just doesn't help us on affordability.

>> Mayor Adler: Councilmember pool.

>> Pool: I just wanted to say that I agree with all the points that councilmember kitchen has just listed and I support the recommendations to deny the zoning request.

>> Mayor Adler: Anybody else discussion? Councilmember Casar.

>> Casar: I was -- I personally came down in the middle of the case last time. It doesn't add units and I kind of like duplexes. So I feel like that it's fine in the middle of the neighborhood. Six units the way it is. At the same time, if there's six votes for this, I'm not going to hold it back and make it three readings. I feel like you can still get the six units and I would like to work on these changes in zonings while we're getting more units and I think duplexes are fine. If there are six votes I'll be a seventh to let it go on second and third. If there's not then I think the case is done.

>> Mayor Adler: Okay.

[9:02:59 PM]

Further discussion? Those in favor please raise your hand? It is Renteria, mayor pro tem, Ellis, Casar, me, Flannigan and harper-madison. That's seven. Those opposed raise your hand? It's the other four. 7-4 passes on second and third reading. Okay. Next item.

>> Mayor, next item is item 128, c-14-2019-0088 for the dessau retail center located at 1100 dessau road. Request is from gr-co to gr zoning. This site is already developed as a strip center at the entrance to a subdivision. The original zoning case that was approved had a lengthy list of prohibited uses. The save is requesting and the -- the staff is requesting to strip out some of the prohibited uses, but leave some in. The applicant is in agreement with the staff

[9:04:00 PM]

recommendation and I'm available for any questions.

>> Mayor Adler: Is there a motion on this? Mr. Flannigan.

>> Flannigan: Not a motion, but a question.

>> Mayor Adler: Did you want to ask your question?

>> Flannigan: This is really one I think we could have handled in work session had we had more work session, but this site already has a gas station on it, is that right?

>> I don't know if it has a gas station.

>> Flannigan: It's hard to tell from the Google map.

>> Yes, it does.

>> Flannigan: So what is the staff feeling about these automotive uses? There's already some there.

>> The gas station is called service station use, but the other ones are more like auto repair type uses. The staff feels that given it's at the entrance to subdivision that the service station is a service for the residents, but we're reluctant on the location of a grief and and maybe a body shop or remayor may not be an appropriate use.

[9:05:00 PM]

>> Because there are gas stations that have two bay repair sites. But you're saying the proximity to the creek is the reason you wouldn't recommend?

>> Yes.

>> Flannigan: Okay. I'd like to hear from applicant, mayor.

>> Mayor Adler: Okay. You have five minutes.

>> Thank you. Good evening, mayor and council. Josiah Stephenson speaking for the applicant. Just to orient you, this is where we are in the city, 1180 dessau road and this is where we are within the neighborhood. So we've got kind of a greenbelt to the north separating us from those single-family homes. We've got what I would call a gray belt to the south. This is what it looks like today. So we do have the gas station, 10 pumps,

[9:06:00 PM]

laundromat, a cleaners, a bunch of stuff like that. That building on the far left was recently completed and we're trying to lease it up. We have a prospective tenant under contract that . Would be one of the prohibited uses. So -- they want to be a venue for [indiscernible], birthdays, might be a little small for weddings. Kind of an event venue with indoor entertainment. So that's the kind of main immediate reason that we need the list of uses expanded. But as we lease up the rest of that building we just want kind of as much flexibility as possible to be able to do that. So this is kind of the list of -- just to put that up here, the ones that staff is proposing, we would be

[9:07:00 PM]

permitted. And the ones on the other side that they want to remain prohibited. So I'm here for any questions. Thank you.

>> Mayor Adler: Mcraven.

>> Flannigan: The difference between the gr and the gr-co, one difference is the impervious cover. Do you need the extra?

>> We have no plans to build anything extra, so this is just so that we can have more flexibility in leasing the space that we've already built.

>> Flannigan: I understand, thank you.

>> Mayor Adler: So staff and you are on the same place with respect to the list of things.

>> We I guess have a preference for more flexibility, but we're fine with the -- we're fine with the list.

>> The zoning and planning commission recommended the same thing as well. The zoning and planning recommended the staff recommendation.

>> Mayor Adler: Gotcha. And you're okay with it, but

[9:08:02 PM]

I would still like more flexible. I think councilmember harper-madison was raising her hand.

>> Harper-madison: I was prepared to make a motion, but it looked as though my colleague still had another question.

>> Flannigan: That's okay. General retail sales, general. It seems like that's what this is. Does this have a more complicated definition?

>> It does. I think washing machines and furniture.

>> Flannigan: Does this use have like a size?

>> No, it simply has to do with the nature of the retail sales. General general is I think -- think of an appliance store. If you can't walk out with it in a bag is what I usually tell people. If it's normal retail you consider to be convenience retail, what we consider, 90, 99% of it.

>> Flannigan: So that should be -- is there a reason why staff doesn't --

>> Just a legacy of the --

>> Flannigan: Legacy, got it. Thank you.

>> Mayor Adler: Okay. Is there a motion? Councilmember harper-madison harper-madison.

>> Harper-madison: A big

[9:09:02 PM]

drink of water. Yeah, I'd like to first of all just go wow. One of the last ones of the night, staff likes it, PC likes it, the applicant likes it, everybody likes it! I'd like to make a motion that we pass this.

>> Mayor Adler: Motion is to approve the staff PC recommendation. There a second to that. Councilmember Casar seconds that. Any discussion? Those in favor please raise your hand. Those opposed? It's unanimous on the dais. All right.

>> We just have two historic cases left. One that councilmember Flannigan has questions on and the second one we would just like to address an agreement.

>> Mayor Adler: Why don't you read the agreement. Let's get that one done. You have waited all day for long.

>> -- For this?

>> [Inaudible - no mic].

[9:10:04 PM]

>> Mayor Adler: I figured you just got the beat now. All right.

>> Good evening, Mr. Mayor, councilmembers, Steve Sadowsky with the historic preservation office, planning and zoning department. Our first case up this evening is the higherman hornday house on 2112 in pemberton heights. It's built in the renaissance revival style, very rare style here in Austin, Texas.

>> Mayor Adler: So I think what I said was let's do the one where you're just reading in the agreement. Is this the one you're reading in the agreement. Let's just do the grocery store first.

>> Let's do the grocery store first then. Let's start over. Can you go to the second slide, please. Okay. Here's the two client grocery store at 220 comal street. Members of council I'm very pleased to announce that we have an agreement on this case. And I do want to express my deep gratitude to the property owner and the neighborhood folks who helped out with this agreement. This was a 1922 store.

[9:11:08 PM]

We asked a contractor to go out and do a siting evaluation and see how much of this could be salvaged. Turns out 10% could be salvaged. So the agreement that we've reached with the property owner, the

neighborhood association, which the city is perfectly okay with, is to reconstruct this building using new materials. And I want to tell you that this is exactly what the landmark commission would have done under the secretary of interior standards there's so little of this store that could be asl rajed because of weather exposure and termite infestation and deterioration over the years that with the landmark commission and the secretary of interior standards would call for would be salvage what you can, use that on the building, that's about 10%, but it is going to include the signage on the northside of the building. And then replace anything else with material that matches in kind. So that's the agreement that we've reached. It's going to remain a

[9:12:08 PM]

neighborhood grocery store with a kitchen addition in the back, and councilmember harper-madison, everyone is happy with this one as well. So staff recommends withdrawing the historic zoning recommendation and case on this and going with the agreement reached between the property owner, the neighborhood association associations, and which the city has no objection to.

>> Mayor Adler: Mcraven.

>> Flannigan: So what is the form of this -- Mr. Flannigan.

>> Flannigan: So what is the form of this agreement if we're withdrawing the historic zoning case?

>> Well, the historic zoning case because there was originally an application for demolition on the case. So we brought that to the landmark commission. They recommended historic zoning for the case. This was identified in our east Austin survey of 2016 as a potential historic landmark. So the landmark commission went along with that, came to the planning commission and didn't have a quorum vote on whether to recommend

[9:13:10 PM]

it for historic zoning. So we can withdraw the recommendation for historic zoning at this time because we're achieving exactly the methodology that we would have proposed to the landmark commission for rehabilitation of this building. It's unfortunate that so little of it can be salvaged at this point, but what can be salvaged will be reused.

>> Flannigan: My question is a little more specific. The agreement to reconstruct it is just a private agreement? We're just not taking action on this now.

>> It's an agreement that the property owner has signed with two neighborhood associations to reconstruct the building exactly as it exists right now.

>> And councilmember, if I could, a little clarity. The agreement is between the a neighborhood association and the applicant. Mr. Sadowsky is referring to that. Technically what we would be doing is we're saying that

[9:14:11 PM]

the staff is not okay with the denial of the historic zoning as opposed to dropping the case. We're saying we no longer support the historic zoning of the case graduates R. Because of the agreement.

>> Flannigan: I have questions about reconstructing a grocery store, but the agreement between private parties is what it is.

>> Mayor Adler: Okay. Is there a motion to reject the historic standard? Mr. Flannigan makes the motion. Mr. Renteria seconds the motion. Is there discussion? Councilmember tovo.

>> Tovo: If there's support for the denial I'm not going to belabor the conversation, but I just want to say I've heard there is an assessment that resulted in that information about the 10%. It's not part of our backup. I have not seen the agreement. It doesn't sound like it's a restrict so it's not clear to me that it -- a restrictive covenant so it's not clear to me that it has any value in the law. This went through a process and people, you know, have advocated for its historic

[9:15:12 PM]

qualities and the criteria met. So I appreciate that some of the parties within this have come for an agreement, including the property owner, but I'm not satisfied with feelings -- without all the information.

>> I believe on yellow on the dais we placed the conditional report earlier today.

>> Tovo: Good, thank you. So that's the conditional report. And then how about the -- is this the -- is this agreement -- it is executed. I appreciate it. Thank you for the correction. Were these -- it was my understanding, though, that there were neighborhood associations that were supportive -- that were not supporting historic zoning initially. Are those the same ones that have signed this restrictive covenant?

>> One of them, yes.

>> Tovo: So they weren't in support of the historic designation before and they're in support of the denial of the historic -- of

[9:16:12 PM]

the historic designation today. So their position has remained constant.

>> Yes.

>> Tovo: I'm not sure how much of an agreement that is.

>> Well, the contact team went on record saying that they were against -- they wanted the preservation of the building, the historic designation, but these are two neighborhoods. They're not the contact team that represents that area.

>> Tovo: Thank you, councilmember. I don't see that the contact team is a signature on the agreement. So they're not a party to this agreement. And so do we know if they have changed their position on this? They have not. So they would still be supportive of historic designation as far as we know. Thank you for that information.

>> Councilmember, we have a member of the contact team if you would like to ask a question.

>> Bertha delgado, president of east town lake citizens association and we also oversight this area with el Concilio. Those neighborhood presidents are here in the

[9:17:13 PM]

audience today and we are the party that went and spoke in favor of the historical designation book I believe in July -- back I believe in July is when we were out there. But after we got the report that only 10% of it was salvageable because of water damages, we made sure that Ms. Santez went out to the community to speak to her constituents because she is a business owner in this area and we made sure she came into an agreement with the residents surrounding this area. So it's not just representation here. We also have the constituents and the residents that are directly impacted that have agreed and come into an agreement. That agreement was emailed to you all by myself as well as the attorney. We went with an agreement that she would keep the store's name, make sure that she provide services to the community for affordable groceries, deli sandwiches, anything she's going to

[9:18:13 PM]

provide has to be for the community as well. She's also agreed to allow the art back on to the building as it was there 20 years ago. We are the residents from this area, east Cesar Chavez contact team did not attend the hearing for historical zoning and they also did not provide a letter of recommendation to my knowledge. It's not in the backup. So they're not here today to represent this case. We are in an agreement and that's what we're here to do is to work with our business owners, especially this minority business owner, and make sure they provides affordable services and community services and needs to this area that's being rapidly developed. If you also remember, Chalmers projects, the comal

projects, is being redeveloped. We need a store there that's going to be able to access affordability to those residents and those children, and we have come into a neighborhood agreement for Ms. Santez, the owner, to do so. Thank you.

[9:19:15 PM]

>> Mayor Adler: Okay. The motion is to deny or to not approve the historical designation. It's been seconded. Those in favor of the motion please raise your hand? Those opposed? Tovo, kitchen and pool voting no. The others voting aye. It passes. Thank you. That gets us to our last case.

>> Our last case, the first one again please, is the hierman Hornaday house on Harris blood. This is a 1928 removal house that has been requested. The property owner is requesting historic zoning for the property. The property meets all of the criteria for historic landmark designation. It's a wonderful and unaltered example of Italian renaissance revival, which is relatively rare in the city. It's got the classical portico, all the of the details of the renaissance

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revival architecture and it was associated with two prominent families in Austin. First of hierman, he bought it and lived there for several years. He was the president of the hierman foundry which during the time he lived in this house merge edged it with another making it the largest of its kind in the city. They moved out around 1933. Around 1936 the property was purchased by William Hornaday who was the direct director of public relations of university of Texas. While people may not think that's very much, actually he did a great deal to advance the university's prestige and standing in the nation and also explored the possibility of using the oil lands at the big lake oil field to help fund university functions. So he lived in this house until he passed away and his wife continued to live here for about 10 years after

[9:21:18 PM]

that. Staff believes that the house clearly meets the criteria for landmark designation, the historic commission and landmark commission also recommend the house for historic designation.

>> Mayor Adler: Thank you.

>> Sure.

>> Mayor Adler: Is there a motion or discussion?

>> Tovo: I'll move approval.

>> Mayor Adler: Councilmember tovo moves approval. Seconded by the mayor pro tem. Further discussion? Councilmember harper-madison.

>> Harper-madison: I just have some questions and some concerns. You know, I -- it is a beautiful home. I really enjoy looking at it, but I consider -- especially because so much of my district is under threat of the wrecking ball, I have a hard time with approving historic designation knowing that there are some potential tax breaks for the homeowner and

[9:22:22 PM]

that this house has a value Asian in the millions of dollars. Valuation in the millions of dollars. It makes me uneasy to offer historic designation and a tax break to a really beautiful, you know, piece of architecture tucked away in an affluent neighborhood and, you know, recognizing that it will be protected in a way that I don't know is fair. I guess, I'm not asking you from your -- for something factual so much as your opinion. I mean, I -- you said it meets all the criteria, yes.

>> Harper-madison: Which I understand, but to me it doesn't seem fair. I don't know if I'm asking you whether or not it seems fair to you. I guess maybe I'm just expressing it doesn't seem fair to me.

>> And I understand, councilmember, that there are definitely equity issues across the board in preservation and any kind of

[9:23:23 PM]

zoning. What we are working on very diligently is extending educational opportunities in east Austin, your district, district number 3, that have all been covered by the east Austin survey to work with property owners to develop either nominations for landmark designation for houses in east Austin or especially the designation of historic districts in east Austin, which also offer a tax break for rehabilitation. So that encourages homeowners in those areas to rehabilitate their houses rather than demolish them. And to -- what it does is freeze the property taxes at the city level for a period of seven years at the prerehab value. So that allows property owners to amortize its cost of their project and they end up with a newry viable house using the same historic fabric that existed so it's not being torn down and replaced with generally

[9:24:24 PM]

something much larger.

>> Harper-madison: I can appreciate that, but if I may, I still keep coming back to, you know, cost, right, the fact that there's a tax break going to the homeowner, no community benefit coming out of that tax break and we're facing our homelessness crisis, our revenue caps. It just doesn't sit well with me. I won't be able to support this.

>> Right. Let me address that very briefly. The tax break on a house of this value is capped at \$8,500. So that's \$2,500 off the city taxes, 2500 off the county taxes and 3500 off the aid taxes. So there is a cap. So just cause because this is a-million-dollar home doesn't mean that the tax break comports with the value of the home. And I think that's important to understand is that the city has taken -- the city, county and aid have taken great steps to make STAAR those tax breaks are in line with the benefits of

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preservation, and I would also argue too that preserving a home like this and celebrating it as an historic landmark teaches citizenry first of all about the history of our community. This is a home that was built in the late 1920s at the height of prosperity in Austin. And this is the home that was built by somebody who was at the top of his game at the time. So it definitely expresses that leveling of prosperity of the 1920s, but also it's an architectural statement, so anybody interested in historic trends in architecture, what was Italian renaissance revival? Well, we have an excellent example of it right here. So it does serve educational purposes plus we've also been working with aid to extend preservation into their curriculum. So historic preservation does definitely serve an educational purpose as well. It encourages people to think about the history of their community. It encourages people to appreciate architectural styles that they probably

[9:26:26 PM]

would not otherwise think about.

>> Harper-madison: Thank you for the clarification.

>> Flannigan: I think separating from this case I would like to know more about the types of programming that occur in the city that benefit from the historic properties. This is an interesting perspective. I don't know that -- we know -- they won't become public buildings. They're not open to the milk to see or anything, but some of these -- to the public or anything. But some of these people probably wouldn't want bus tours coming through their neighborhood either. My issue with this, and thank you, councilmember harper-madison councilmember harper-madison, for what you said, I read through the background on this and I have a long-standing question about the threshold over which the criteria is met and I think we have a really low threshold for that right now. And I appreciate, Mr. Sadowsky, you do a great

[9:27:27 PM]

job. I think this is more a policy question than a professional question. But I think as a policy we have to be -- I think we need a different definition for what significant means when we're talking about historic persons, groups, institutions and businesses. I don't know that just because someone owned a business in Austin that they are significant having their name mentioned in a statesman article once or twice. I'm not sure that rises to the threshold. That's just kind of been my perfect perspective on it. I won't be supporting it either.

>> Mayor Adler: Further discussion? Ready to take a vote? Those in favor of the historical designation please raise your hand. Those opposed? With Flannigan and harper-madison voting no. The others voting aye, it passes. You voted no as well? Councilmember Casar voted no as well. That gives three no votes. Eight in favor. It passes 8-3.

[9:28:27 PM]

Thank you. I think those are -- that's all the things on our agenda, so here at 9:28 this meeting is adjourned. See y'all tomorrow at 9:00.